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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic reports of States parties

Costa Rica*

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I. General Framework

Territory and Population

Territory

1. Costa Rica is bordered by the Caribbean Sea, the Pacific Ocean, and the Republics of Nicaragua and Panama. The country's border with Nicaragua was determined by the Cañas-Jerez Treaty of 15 April 1858 and ratified by the Cleveland Decision of 22 March 1988. Its border with Panama was determined by the Echandi-Montero Fernández Jaén Treaty of 1 May 1941. The Pacific Island of Coco is part of Costa Rica's national territory.

2. The Republic of Costa Rica extends over a surface area of 51,100 km^2. It is divided into seven provinces: San José, Alajuela, Cartago, Heredia, Puntarenas, Limón, and Guanacaste. The capital, San José, is located in the province of the same name. Each province is divided into cantons, which in turn are divided into districts.

Language

3. The national language of Costa Rica is Spanish (Article 76 of the Constitution). People living on the country's Caribbean shores speak English, and there are also a number of indigenous ethnic groups that have their own languages.

Religion

4. Article 75 of the Constitution (1949) stipulates: "The Apostolic Roman Catholic Religion is that of the state, which contributes to its maintenance, without impeding the free exercise in the Republic of other worship that is not opposed to universal morality or good customs". Each individual has the right to practise his or her religion freely, and to disseminate it in individual or group form. Most of the country's population is Catholic.

Education

5. Education is a basic human right. Such is the nature and essence of education that both the State and society as a whole have an obligation to make decisions and to develop concrete actions designed to provide the people of Costa Rica with an integral education, in accordance with Article 77 of the Constitution. Basic general education is mandatory and, like pre-school and diversified education, it is also free and funded by the State.

6. Education in Costa Rica is divided into two systems: a) the formal system, which includes pre-school, primary, secondary, and university education, as well as supplementary adult-education systems (primary and secondary special education and non-university higher-education services); and b) the informal system, which offers a broad range of study opportunities, to which the requirements of the formal education sector do not apply, and most of which are not recognized by the State. The informal system includes the National Apprenticeship Institute (INA), which is the public authority responsible for training the workforce under the vocational-training approach.

7. Since the beginning of the 20th century, Costa Rica has devoted a large part of its national budget to developing and improving public education. Those efforts have been reflected in a fall in the total illiteracy rate, as well as in illiteracy rates by gender and by region. In 1973, the total rate was 10.2 per cent. By 1984 it had fallen to 6.9 per cent, before edging up from 1998 onwards, to attain 7.2 per cent by 1990 (Ministry of Planning and Economic Policy, MIDEPLAN, 1995, and the Department of Statistics and Census, 1997). Rates for women have been slightly lower than those for men since 1974. Illiteracy has been higher in rural areas than in urban areas.

8. Total enrolment in all levels of the formal education system was 787,546 students in 1996. This represented an increase of 1.9 per cent compared with 1995. Of the total enrolment, 65.9 per cent of students were enrolled in primary education, 26.4 per cent in secondary education, and 7.7 per cent in pre-school education. In the case of secondary education, one in five students was enrolled in technical education.

9. A study conducted by Torrico (1996) on child labour in Costa Rica found that, as of July 1994, 76.6 per cent of children aged 7 to 17 were covered by the regular education system (including those in pre-school education). The highest attendance rate was among students in the 7-11 age group, who were enrolled in the basic general education cycle (Year 1 to Year 9). School drop-out rates and grade-repetition rates were higher from the age of 12 onwards. The study also found that the highest exclusion rates in the education system, in the under-18 age group, were to be found among children under 7 and over 13.

10. Despite the major advances achieved by Costa Rica in education, a range of problems emerged in the 1990s, leading to higher drop-out rates, especially in the third cycle and in diversified education, as the following tables show. The formal education sector includes public (or State), private, and semi-private schools. The latter schools receive a State subsidy, enabling them to charge lower fees than private schools. Tables 1 and 2 illustrate trends in drop-out rates in the first and second daytime cycles, and in the third cycle and diversified education, for 1991, 1993 and 1995, by gender, and according to type of school and region.

11. Total drop-out rates, by region and type of facility, fell in the first and second cycles between 1991 and 1993, but increased significantly between 1993 and 1995. Private schools recorded the lowest drop-out rates, followed by semi-private schools. Drop-out rates among public schools were double those of private schools. Drop-out rates in rural areas were greater than in urban areas, although the gap has shrunk in recent years. Drop-out rates among girls in the first two cycles were higher than those for boys.

Table 1

Drop-out rates in daytime primary and secondary education sectors, by type of school and by region (in per cent, 1991, 1993 and 1995)

	1991			*1993*			*1995*		
Region/Type of school	*Total*	*M*	*W*	*Total*	*M*	*W*	*Total*	*M*	*W*
Total	2.3	2.5	2.1	2.0	2.1	1.9	5.0	5.3	4.6
Public	2.4	2.6	2.2	2.1	2.2	2.0	5.2	5.6	4.9
Private	1.0	1.1	0.9	0.8	0.9	0.8	1.3	1.2	1.3
Semi-private	0.3	0.2	0.4	0.1	0.2	0.1	1.6	1.1	2.0
Urban	1.3	1.5	1.1	1.3	1.4	1.2	4.2	4.4	3.9
Public	1.4	1.6	1.2	1.4	1.5	1.3	4.6	4.8	4.3
Private	0.4	0.4	0.3	0.4	0.4	0.5	1.1	1.0	1.2
Semi-private	0.3	0.3	0.4	0.1	0.1	0.1	1.5	1.1	1.7
Rural	3.0	3.2	2.8	2.5	2.6	2.4	5.6	6.0	5.1
Public	3.0	3.2	2.8	2.5	2.6	2.4	5.6	6.0	5.2
Private	4.1	4.4	3.7	2.4	2.9	2.0	2.1	2.4	1.8
Semi-private	-	-	-	0.6	0.8	0.4	3.5	1.2	5.7

Source: Division of Planning and Educational Development. Department of Statistics. *Annual Drop-out Rates in the Education System.* Costa Rica. Ministry of Education. 1996.

12. Table 2 shows that dropout rates were higher in the third cycle and in diversified education for the three years studied, and were especially high in the public sector. Rates were also high in the semi-private sector, although slightly lower.

Table 2

Dropout rates in the third cycle and in diversified education (daytime and evening), by year and gender, and according to type of school and region
(in per cent, 1991, 1993 and 1995)

	1991			*1993*			*1995*		
Region/Type of school	*Total*	*M*	*W*	*Total*	*M*	*W*	*Total*	*M*	*W*
Total	13.2	15.2	11.1	13.3	15.4	11.2	16.1	18.9	13.3
Public	14.7	16.8	12.5	14.9	17.1	12.7	17.9	21.0	14.8
Private	1.9	2.5	1.4	1.2	1.4	1.1	2.8	2.2	2.2
Semi-private	4.9	5.5	4.2	4.5	5.4	3.6	4.7	5.1	4.3
Urban	13.0	15.4	10.4	13.5	16.0	11.0	15.5	18.5	12.5
Public	15.0	17.5	12.4	15.7	18.4	12.9	17.9	21.2	14.5
Private	1.6	2.2	1.1	0.8	0.8	0.8	2.6	3.0	2.3
Semi-private	3.5	4.3	2.9	3.6	4.6	2.6	3.6	3.9	3.3
Rural	13.7	14.8	12.5	12.9	13.9	11.8	17.3	19.6	14.9
Public	14.0	15.2	12.7	13.3	14.4	12.2	17.9	20.4	15.4
Private	6.5	5.9	7.1	4.8	3.6	3.8	4.1	5.9	2.0
Semi-private	10.8	10.2	11.5	8.4	8.5	8.3	9.4	9.8	8.9

Source: Division of Planning and Educational Development. Department of Statistics. *Annual Drop-out Rates in the Education System.* Costa Rica. Ministry of Education. 1996.

13. With the aim of rectifying the major problems identified in the Costa Rican education system and preparing new generations for the challenges of technological and scientific development, a range of constitutional reforms and public policies were introduced between 1994 and 1998. In 1997, the Legislative Assembly approved reform of Article 77 of the Constitution. Under this reform, the level of State investment in education was fixed at 6 per cent of Gross Domestic Product (GDP), pre-school education was made mandatory, and the school year at primary and secondary levels was increased by 10 days. Approval, that same year, of the Act on Foundations and Guarantees for Developing and Improving the National Education System made it possible to strengthen and consolidate strategic actions related to quality, coverage, infrastructure, teacher incentives, and training. In the year 1998, for example, it was hoped to extend the teaching of English to all primary-school students, enable 50 per cent of the school-age population and 100 per cent of academic and technical institutions to have access to computer-training facilities, and strengthen technological education by providing greater financial resources, reviewing and strengthening curricula, and providing refresher training for existing professionals and technicians.

Sociodemographic context

Population growth

14. According to the Department of Statistics and Census (1997), Costa Rica's population stood, in July 1996, at 3,202,440 (of which 1,604, 305 were male and 1,598,135 female). The reasons for the difference between the male and female populations were the higher male birth rate (even though the male mortality rate was also higher) and immigration patterns (more men than women were migrating into the country). (Institute for Women's Studies, Spain, and Latin American Faculty of Social Sciences (FLACSO), 1993.)

15. It was during the 1990s that Costa Rica's population passed the three-million mark, after having passed the one-million mark as recently as 1955, and the two-million mark in 1976. Over recent years, the country's recent population growth has been marked by three distinct phases. Between 1950 and 1965, the population grew at an annual rate of 4.5 per cent, due to higher fertility and lower mortality. The annual growth rate fell to 3 per cent, between 1965 and 1975, as the result of a dramatic fall in fertility. The third phase began in the late 1970s and has continued to the present day. It has been marked by a progressive fall in the fertility rate (2.4 per cent annually), due to stabilization of the fertility rate, as well as stabilization of immigration from other countries as a result of

the political and military crisis of the 1980s and its aftermath in the decade that followed (Programme on Women, Health and Development, PAHO/WHO, 1994).

16. Costa Rica's population density is approximately 67 inhabitants per square kilometre. This is fairly low for a Latin American country.

17. The crude mortality rate is among the lowest in the world (4.0 per 1,000 inhabitants), due to the youthful structure of the population (33.6 per cent of the population are under 15) and the extraordinary efforts made by the Costa Rican health sector to ensure that the entire population has access to health services, both preventive and curative.

18. It is estimated that around 300,000 Nicaraguan citizens have entered the country over the last 12 years, and many are illegal immigrants. There are no reliable official data as to the extent of the migration.

19. Birth rate is the most important factor in Costa Rica's population growth. Table 3 shows how the country's birth rate evolved over the period 1990-1995.

Table 3

Costa Rica: birth rate, 1990-1995

1990	*1991*	*1992*	*1993*	*1994*	*1995*
27.3	26.3	25.4	24.8	24.4	23.8

Demographic characteristics

20. Seventy per cent of the Costa Rican population lives in the country's Central Region, where the capital and three other major cities are located. Like other countries in the region, Costa Rica has seen rapid urbanization of the population over the last 25 years. In 1970, 61 per cent of the population lived in rural areas, and 39 per cent in urban areas. By 1996, the urban population had risen to 43 per cent of the total, while the rural population had fallen to 57 per cent. This urbanization process has been relatively gradual in comparison to those experienced by Mexico and South America. In 1996, women accounted for 52 per cent of the urban population, due to increased migration of women from the countryside to the city in search of jobs in industry and domestic service. Men accounted for 51 per cent of the rural population. A key factor in this context was the phenomenon of intra-rural migration by men, particularly to banana, sugar-cane, and coffee-growing areas.

21. The population continues to be relatively young overall, although this has been gradually changing as the population has aged, due to the combined effects of lower fertility and lower mortality. In 1963, 49 per cent of the population were in the 15-64 age group, while 3 per cent were in the over-65 age group. By 1988 this structure had changed, with those same age groups accounting for 59 per cent and 4 per cent of the population, respectively (Programme on Women, Health and Development, PAHO/WHO, 1994). This trend has continued to the present day, among both age groups. This is the result of a demographic transition from a young and rapidly growing population to an ageing population whose overall number is growing more slowly. Costa Rica is thus said to be undergoing an intermediary transition phase. As a result of this process, the dependency ratio fell from 103.6 in 1963 to 69.7 in 1984 (García and Gomariz, Department of Statistics and Census, 1997).

Life expectancy

22. Both health services and the health of the population have improved over the past 40 years. This improvement has been reflected in increased life expectancy at birth. For the period 1990-1995, life expectancy was 75.2 years. For the period 1995-2000, it will be 75.6 years. As Table 4 shows, women have a higher life expectancy than men. Life expectancy for women rose from 58.6 years in 1955 to 78.6 years in 1995 (an increase greater than that recorded among men).

Table 4

Costa Rica: life expectancy, by gender
1990-1995

Gender	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*
Men	72.9	72.9	72.9	72.9	72.9	74.0
Women	77.6	77.6	77.6	77.6	77.6	78.6

Source: Ministry of Planning and Economic Policy (MIDEPLAN). 1995.

Fertility

23. Major changes were observed in the demographic profile of the population during the second half of the 20th century. During that period, women's fertility fell significantly, from an average of 7 children per woman (at the beginning of the 1950s) to 2.8 (Costa Rican Social Security Fund (CCSS); Institute for Women's Studies, Spain, and Latin American Faculty of Social Sciences (FLACSO), 1993). This process began in 1965. During the 1990s, fertility remained steady at around 3.0 children per woman. The birth rate has also been falling, from 27.4 in 1990, to 24.6 in 1994, and 23.3 in 1996. Despite this, Costa Ricans continue to marry and have children at an early age. Women prefer to give birth between the ages of 20 and 29, although more than 15 per cent of women having children are aged between 15 and 19.

Table 5

Births, according to mother's age
Costa Rica, 1990 and 1994

Age group	*1990*		*1994*		*% increase, 1990-1994*
	Absolute	*Relative*	*Absolute*	*Relative*	
Total	81,939	100.00	80,391	100.00	
Under 15	360	0.44	501	0.62	+ 0.18
15-19	12,578	15.35	13,838	17.21	+ 1.86
20-24	24,151	29.47	22,466	27.95	- 1.52
25-29	21,853	26.67	20,544	25.56	- 1.11
30-34	13,959	17.04	13,832	17.21	+ 0.17
35-39	6,674	8.14	6,882	8.56	+ 0.42
40-44	1,791	2.19	1,781	2.22	+ 0.03
45 and over	150	0.18	130	0.16	- 0.02
Age unknown	423	0.5	417	0.52	+ 0.02

Source: United Nations Population Fund (UNFPA), MIDEPLAN, and National Centre for Women and the Family (CMF), *Images of gender: sex-disaggregated economic and sociodemographic statistics,* 1980-1994. San José, Costa Rica. 1995.

Mortality

24. Total mortality has fallen over the past 40 years, as has infant mortality. In 1996, the total mortality rate stood at 4.1 per 1,000 inhabitants, while the infant mortality rate stood at 11.8 per 1,000 inhabitants for the same year. According to the "State of the Nation" project of the United Nations Development Programme, 94.6 per cent of births occurred in hospitals (State of the Nation, 1996).

Table 6

	1989	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Infant mortality rate (per 1,000 live births)	13.9	15.3	13.6	13.7	13.7	13.0	13.3	11.8
Total mortality rate (per 1,000)	3.9	3.8	3.8	3.9	3.9	4.1	4.2	4.1

25. The Infant Mortality Rate (IMR) is an excellent indicator of the country's health situation. In the 1950s, infants under four accounted for around half of all deaths. This figure had fallen to 15 per cent by the 1980s, and stood at 13 per cent in 1994 (Institute for Women's Studies, Spain, and FLACSO, 1993; UNFPA, MIDEPLAN, and CMF, 1995). Over recent decades, a declining trend has been observed in the IMR, especially during the 1970s, when it improved at an annual average rate of 13 per cent, due to the improvement in the country's health services.

26. Between 1920 and 1960, Costa Rica's IMR fell from 200 to 70 deaths per 1,000 births. At the beginning of the 1970s, the rate was slightly higher than 60 per 1,000 births. By the end of the decade, as a result of the improvements described above, the IMR had fallen to around 20 deaths per 1,000 live births. The decline has since slowed somewhat, stabilizing at an annual average of 13 deaths per 1,000 live births during the 1990s.

27. There has been a change in the causes of death among infants under one. Infectious diseases, parasitic diseases, and diseases of the respiratory tract were the leading causes of death in 1980, but their impact has declined significantly since that time. There has been an equally significant reduction in geographical discrepancies. Although Costa Rica has achieved extremely significant progress in this area, it is thought that infant mortality can be reduced still further. The State is presently taking steps to improve coverage of prenatal care for pregnant women among at-risk groups, as well as care for breastfeeding women. It is also taking steps to improve mechanisms for monitoring the health of infants under two, at a community level (including immunization); to improve access to safe water for isolated population groups living in rural areas; and to provide rural health centres with the equipment and staff necessary to prevent and treat the leading causes of death among infants. Since 1996, the Ministry of Health and the National Office for Infant Mortality (CONAMI) have been studying cases of infant mortality with a view to identifying preventable causes and taking the necessary measures.

28. Furthermore, the CCSS, through the National Office for Maternal Breastfeeding, promotes the practice of natural breastfeeding as a factor in the protection of infant health, especially in the first few months of life. Four hospitals have met the requirements set out by the United Nations Children's Fund (UNICEF) for designation as "baby-friendly hospitals." Three are located in rural areas in various parts of the country, while the fourth is located in one of the most densely populated urban centres of the Central Valley. The initiative will be extended to other hospital centres from 1998 onward.

29. Increasing access to sources of safe water and to health services, and the provision of more information about diet and nutrition, combined with large-scale government immunization campaigns, have produced a significant decline in the infant mortality rate.

Family structures

30. Family structures have changed considerably over the past two decades, due to a combination of sociodemographic and socio-economic factors, as well as factors related to regional politics. The latter are related to the consequences of the political and military conflict and the peacemaking process that occurred in Central America during that period, and which led to significant migratory movements among the people of El Salvador

and Nicaragua. The migratory flow of Nicaraguans into Costa Rica has continued due to Nicaragua's current economic crisis.

31. Sociodemographic factors include the declines in the birth rate and the mortality rate, a rapid increase in the urban population and its concentration in the Metropolitan District of San José, accompanied by changes in marriage patterns among men and women. Household data taken from the 1992 Households and General Purposes Survey showed that 58 per cent of households had four or fewer members, while only 13 per cent had more than six members. The 1996 survey indicated that households with four or fewer members now accounted for 68 per cent of all households, while those with more than six members had fallen to 10 per cent. Those same sources show that the average number of people per household was slightly higher in rural areas than in urban areas (4.5 and 4.1 respectively). In the Metropolitan District and in other urban areas, most families are nuclear and marital, although that structure has tended to be less the case among families further down the socio-economic scale. Extended, large, and single-parent families are found primarily among rural families and low-income urban families.

32. Other studies have identified a wide range of family types, which correspond to people's sexual and reproductive behaviour patterns. Vega (1994) noted that around half of all families conformed to the characteristics of the typical nuclear family.[1] The other half, however, did not conform to those characteristics – in many cases, neither at the beginning, nor throughout the entire cycle of family life. These changes reflect trends that originally emerged during the 1960s. According to the 1994 "State of the Nation" project, the number of common-law marriages and the number of women living separately from their husbands had both increased. The increase in the divorce rate and the decline in the marriage rate have produced a wide range of family structures. It is very hard to reflect this phenomenon in a household survey or a population census. The marriage rate has declined slowly, but steadily. In 1990, the rate stood at 29.5 marriages per 100 inhabitants, but had fallen to 23.5 marriages per 100 inhabitants by 1994. The number of divorces, on the other hand, rose from 14.5 per 100 inhabitants in 1990 to 16.7 in 1994. The number of common-law marriages rose from 10 per cent to 21 per cent between 1981 and 1984, and continues to increase, as does the number of marriages defined by "transgression" (Fauné, 1995). These marriages reflect a rise in the number of births "outside" marriage or common-law marriage, generally referred to as "single-mother" and "unknown-father" births (usually children of fathers married to another woman), which are generally absorbed into the extended family. The number of "single-mother" births rose by 6 percentage points between 1990 and 1994, while the number of "unknown-father" births increased by around 4 percentage points over the same period. Table 7 illustrates this trend.

Table 7

Costa Rica: births, by marital status of mother and father, 1990-1994

Birth type	*1990*		*1991*		*1992*		*1993*		*1994*	
All births	81,939	100.00	81,110	100.00	80,164	100.00	79,714	100.00	80,391	100.00
"Single-mother"	30,119	36.76	31,220	38.49	31,336	39.09	31,992	40.13	34,378	42.76
"Unknown-father"	17,293	21.10	18,154	22.38	18,316	22.85	18,941	23.76	19,993	24.87

Source: Ministry of Planning and Economic Policy (MIDEPLAN). 1995.

33. The 1996 "State of the Nation" project showed that although extended families continued to thrive in rural areas, Costa Rican society was heading toward a family model characterized by a smaller number of children, and in which women were assuming more and more economic responsibilities. Fauné (1995) notes that, among families living in poverty, a "cyclical marital instability" continues to persist. This, he says, produces a cyclical

[1] Vega defines the typical nuclear family as one that begins with the act of marriage, involves only one union, and comprises the married couple and the children conceived within the marriage.

process of union and break-up, which is not reflected in national statistics. The National Survey on Reproductive Health, conducted in 1994, confirmed the increasingly structural nature of marital instability. The survey revealed that 12 per cent of couples in their first marriage were no longer together after less than five years of marriage. The survey also showed that 45 per cent of women aged 30 or over were no longer with their first husband. In 1976, those women made up scarcely 38 per cent of the total. The survey also showed that among women under 30, 10 per cent had already had a number of relationships, compared with 14 per cent of women over 30. Most women said that the main cause of instability in their relationships was "male infidelity" and neglect (Fauné, 1995). This is a characteristic of the sexual and emotional behaviour of Costa Rican men, linked to the prevalence of male-centred, patriarchal patterns that legitimize infidelity as part of men's natural right to have relationships with various women.

34. Various socio-economic factors have contributed toward the deterioration in the living conditions of most Costa Rican families and the changes in the way they function. The most important are the contraction in the growth of the country's Gross Domestic Product (GDP), the implementation of stabilization and adjustment policies, and the revival of the non-traditional agro-export and industrial sectors. These factors have contributed to higher unemployment and underemployment; an expansion of the informal economy, in both urban and rural areas; and the loss of purchasing power and poverty. They have also brought changes in the way families earn their income, with women and children becoming heavily involved in paid work (within both the formal and informal economies, in the case of women, and in a range of activities in the informal economy, in the case of children). In this context, women have increasingly been creating and managing family survival strategies, some of which involve the participation of other family members (e.g. fathers, mothers, sisters, or aunts) as well as people outside the family, who are recruited either to look after the children or to earn extra income through the sale of services. Women are also making changes to family consumption habits, in an effort to make the family budget go further.

35. According to the 1992 Households and General Purposes Survey, one-fifth of Costa Rican households were headed by women in 1992. It is thought that there was a significant level of under-registration of women heads of household, due to the tradition of associating men with that role. Available information does indicate, however, that the number of women heads of household is on the increase. Between 1973 and 1992, the number of homes headed by a woman rose by 150 per cent, against a 95 per cent rise among homes with a male head of household (Institute for Women's Studies, Spain, and FLACSO, 1994). According to the most recent census, conducted in 1994, most (95.5 per cent) of families headed by a woman did not declare a live-in partner. In the case of households headed by men, however, only 10.3 per cent failed to declare the existence of such a partner. This trend was also apparent with regard to marital status, with most women heads of household (32 per cent) declaring themselves to be single, followed by those declaring themselves as widows (27 per cent), and those stating themselves to be separated (17 per cent). As far as men are concerned, 80.7 per cent stated that they were single (Department of Statistics and Census, 1985). This phenomenon has gradually produced changes in primary socialization patterns, which now tend to be characterized by the absence of a biological father and the dominant influence of the mother and of the broader family (generally women) who constitute the community-support network.

Indigenous population

36. Censuses and household surveys are not required, by law, to record data broken down by ethnic group. According to the National Commission on Indigenous Affairs (CONAI), however, Costa Rica has around 40,000 indigenous people, belonging to 10 ethnic groups, which account for 1.2 per cent of the total population. Those ethnic groups are the Bribrís, Cabécares, Guaymíes, Chorotegas, Borucas, Queterresís, Matambús, Térrabas, Guatusos, and Huetares. Seventy per cent of the indigenous population belong to the first two groups.

37. The Constitution recognizes indigenous men and women as Costa Rican citizens. Article 33 states: "All men are equal before the law, and no form of discrimination that is contrary to human dignity shall be permitted." The Costa Rican State has shown a clear concern to develop laws aimed at protecting and promoting the rights of

indigenous peoples, based on Article 50 of the Constitution, which states: "The State shall work for the greatest well-being of all inhabitants of the country, by organizing and stimulating production and the most adequate distribution of wealth."

38. The legal regulations governing relations between the State and indigenous communities are contained in various laws: a) Act No. 5251, creating, in 1973, the National Commission on Indigenous Affairs (CONAI). Under this Act, CONAI was created to provide a link between the State and indigenous communities, with a view to assuring the appropriate functioning of those communities and ensuring delivery of State services, such as health, education, housing, potable water, electricity, and roads; b) the Indigenous Act, its reforms and Regulation, approved in 1977, defining the indigenous population, indigenous reservations, and the various areas of legal jurisdiction concerning those reservations (limits, ownership, administration, use, and others); and c) Legislative Decree No. 7316 of 3 November 1992, ratifying International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (Indigenous and Tribal Peoples Convention, 1989).

39. The Legislative Assembly's Permanent Committee on Social Affairs is presently considering the Draft Act on the Autonomous Development of Indigenous Territories. The Draft Act recognizes the ability of indigenous peoples to define their own development model for their land-management systems, and to be consulted regarding the health, education, housing, and credit programmes affecting them, within the context of respect for their traditions, defence of natural resources, conservation of the ecosystem, and maintenance of a healthy environment.

40. In Costa Rica, indigenous education is the responsibility of the Ministry of Education and covers 77 per cent of the country's indigenous population.

41. During the 1990s, the Costa Rican State has pursued the opening of new education centres in indigenous areas. As of 1 March 1998, there were 130 education centres, serving around 6,000 students. Sixty-seven per cent of schools offer indigenous languages as mother-tongues. Those schools cover 60 per cent of enrolled students. They have access to 29 teachers of Indigenous Languages (14 per cent) and three teachers of Indigenous Culture. Studies of the education sector indicate, however, that the number of education centres remains inadequate to meet students' needs (this is especially true at the secondary level, which has two centres). The same is true of the number of teachers of Indigenous Languages and Indigenous Culture, and the quantity of indigenous-language teaching materials. Programmes are presently being developed with a view to providing these communities with adequate facilities, with teachers who have the ability to meet the needs of this population and with teaching materials that are appropriate to their lives and their languages.

42. In March 1998, Costa Rica had a total of 205 indigenous teachers at the national level, including 107 graduates and 98 non-graduates (85 qualified teachers and 120 trainees).

43. Among the most significant achievements of the Costa Rican State is the creation of the National System for Recruitment, Assessment, Selection, and Appointment of Teachers for Indigenous Schools and Colleges. This system streamlines these various processes and makes them more effective, for the benefit of indigenous communities. Furthermore, an Information System has been set up regarding the social and educational status of 10 indigenous communities. This system ensures that the Ministry of Education is provided with up-to-date information upon which to base its planning decisions. A Pilot Programme on Technological Education is also being implemented in Quitirrisí de Mora, an indigenous community located 40 kilometres from the City of San José. In 1996, three components of indigenous culture were added to the curriculum employed among indigenous communities: mother-tongue instruction, indigenous environmental education, and indigenous culture (art, crafts, and music). This policy represents a response to the demands expressed by indigenous organizations.

44. It should be noted that some indigenous groups live in remote areas, and that this makes it hard for them to access services. There are differences between the living conditions of communities living closer to urban areas

and those living in more remote areas, because the latter do not have access to good roads and must cross rivers. For example, the two colleges are not accessible to the most remote communities, and this is also true of the health centres serving those communities. This is the reason for these people's lower levels of income, education, and health, as well as the constant migration of indigenous people from the most isolated communities to those that are more centrally located, with access routes, electricity, water, and telephone services.

Other ethnic minorities

45. The black population is among the oldest ethnic minorities in Costa Rica, dating back to the colonial period, when the Spanish brought them to the region as slaves. The second migration took place at the end of the 19th century, when many were brought from Jamaica to help build Costa Rica's railways. That is why most of the Afro-Caribbean population lives in the province of Limón, on the Caribbean Sea.[2]

46. There are no precise records of Costa Rica's black population. The most recent national census, conducted in 1984, estimated that the black population was 58,666, representing 1.9 per cent of the total population. UNICEF data indicate that in 1996, the black population of the province of Limón was 62,094. This figure does not include Afro-Costa Ricans living in San José or in other parts of the country. It is estimated that 3.8 per cent of the Costa Rican population is of black descent, although this figure does not include those who may have migrated, especially to the United States of America (García and Gomariz, 1989).

47. Afro-Costa Rican men and women who live in Limón and have earned a secondary, technical, or vocational education generally work in the oil refinery or in skilled port-related activities. Those who have not completed secondary school, or who have no specialization, are employed mostly as dock workers, or as operators on tourist boats. Many hope to emigrate to the United States. Most of the male population works in agriculture or in the services sector. Women work in the banana plantations, the informal sector, or the tourist industry.

48. A study carried out by the Inter-American Development Bank (IADB) on communities of African descent showed that the illiteracy rate among the black population of Limón was more than twice the national average of 7.5 per cent, and was as high as 22 per cent in Talamanca, one of the areas of the country with lower development indexes, and where most of the indigenous population lives. School drop-out and grade-repetition rates are the second-highest in the nation (Sánchez and Franklin, 1996). One factor hampering efforts to remedy this situation is the lack of bilingual curricula that are culturally appropriate for this population group.

49. Costa Rica has welcomed migrants of different nationalities and from various ethnic groups (including Arabs, Jews, Asians, Europeans, and indigenous peoples from other countries), who have been assimilated and have settled in various parts of the country.

Socio-economic context

50. Despite being a developing country, Costa Rica has achieved major social and economic advances since the 1950s. With regard to human development, it holds second place among Latin American countries, and thirty-third place in the world. As mentioned above, life expectancy is high, and on a par with that of developed countries. Costa Rica has achieved major advances in the areas of health, education, and environmental preservation. Although the development model pursued by successive governments since 1950 has been relatively successful, it began to show signs of weakness at the end of the 1970s.

51. In 1980, Costa Rica faced one of the most severe economic crises in its history. The effects of the world economic crisis and the progressive rise in external debt also made their effects felt on the weak national economy. Furthermore, an economic development model based on exports of traditional products, such as coffee,

[2] The degree of black ancestry is greater than generally acknowledged in studies of this population group, as there has been a tendency to recognize only those of Jamaican extraction.

bananas, livestock, and sugar, combined with an industrial sector that was fiercely protected and directed at the Central American market, proved unable to respond to the demands of an increasingly globalized marketplace. As a result, the country was plunged into deep economic recession. In 1982, Costa Rica's GDP declined dramatically, to – 7.2 per cent. In the same year, inflation stood at 100 per cent. For the rest of the decade, successive governments implemented, with varying degrees of forcefulness, stabilization policies designed to balance global factors and productive recovery, as well as structural-adjustment and trade-liberalization measures.

52. Until the early 1990s, the country's economic strategy emphasized the return to agro-export activities involving traditional products that had attained high productivity levels, such as coffee and bananas, as well as other, non-traditional products. The industrial sector focused on restructuring small and medium-size industry, as well as the enterprise culture overall, as an indispensable prerequisite for the comprehensive modernization of the national manufacturing sector. The sector also encouraged the setting up of industries making intensive use of manual labour, such as the assembly industry, as an alternative way of increasing sources of employment and reducing the level of unemployment. The tourism industry was similarly encouraged, through a range of incentives, and ultimately became one of the main sources of foreign currency. Measures were also introduced to reduce the size of the State and to reorganize public finances.

53. As a consequence of these policies and measures, public finances were reorganized and the State apparatus was slightly reduced in size. However, the people's purchasing power was also reduced, along with social investment in health, education and housing, especially during the 1980s. Poverty levels exceeded those of the 1970s. According to estimates by the Regional Employment Programme for Latin America and the Caribbean (PREALC)/ILO, 25 per cent of the Costa Rican population were poor in 1989. Furthermore, 70 per cent of the poor lived in rural areas. The impoverishment was concentrated in rural areas and in cantons[3] where the population density was lower than 100 inhabitants per square kilometre, with little access to land and productive resources, problems of communication, and a lack of basic services.

54. The efforts undertaken by various governments produced a relative degree of economic stability, but accomplished only limited growth and failed to resolve a number of social problems. Furthermore, once the Central American conflict was over, the country stopped receiving major aid donations from international cooperation agencies. The new context is that of the global economy, in which Costa Rica must compete internationally with all kinds of producers. The 1994-1998 Administration recognized the urgent need to define a development policy that could exploit the country's competitive advantages in order to participate appropriately in the global economy, without imperilling the advances made in the social and environmental spheres.

55. The chosen strategy sought to guarantee an effective synthesis of economic, social, and environmental variables, with a view to achieving long-term, sustainable development. The central objective was to transform Costa Rica into a centre for high technology, at the regional level, focusing on the quality, productivity, and increasing yield of human and natural resources, and on a social base founded on a higher quality of life for the people. The intention was to achieve a different international position, which would make use of the quality of the country's human resources, accordingly harnessing all the advances achieved over the past five decades in the fields of education, health, energy, telecommunications, environmental protection, legal security, institutional development, and political stability.

56. The aim of this reorganization has been to replace the intensive activities of cheap unskilled labour with higher productivity and higher wages. At the same time, it seeks to achieve the kind of growth that makes use of competitive advantages, offering a harmonious relationship with nature, rather than the depredation of natural resources.

[3] As explained at the beginning of this section, Costa Rica is divided into seven provinces, which in turn are divided into cantons. Each of the country's 57 cantons is further divided into Districts.

57. The change in the development model has been facilitated by the recovery in production and the stabilization of prices, the exchange rate, and interest rates. Costa Rica has achieved a sustained increase in exports and income, through tourism and private capital. Increased investment in high technology has helped improve the quality and diversity of export goods. Furthermore, increased resources have been allocated to education, health, and other social services that offer opportunities to the poorest sectors of the population and protect their rights.

58. As a result, around 40 high-technology companies have set up operations, 10 of which started up in 1997. It is estimated that between 1998 and 2000, those companies created 10,000 new jobs. Over the past four years, around 80,000 new jobs have been created. This represents an increase of 7.2 per cent. According to data provided by the Department of Statistics and Census, the unemployment rate fell from 6.2 per cent in 1996 to 5.7 per cent in 1997, and total employment reached its highest level as a percentage of the population: 37.5 per cent. Furthermore, the quality of the jobs tended to be higher than at the beginning of the decade.

Political context

59. The Costa Rican political system was established with the Constitution of 1871, as that constitution is the foundation for the 1949 Constitution presently in force.

60. In the Constitution of 1949, Costa Rica defined itself as a democratic, free, and independent republic, whose sovereignty lay exclusively with the Nation. Article 9 of the Constitution stipulates: "The government of the Republic is popular, representative, alternative, and responsible. It is exercised by three distinct and independent branches: legislative, executive and judicial. None of these branches may delegate the exercise of their proper functions. A Supreme Electoral Court, which has the same rank and degree of autonomy as the branches of the Government. It is responsible, in exclusive and independent form, for the organization, management and monitoring of electoral activities, as well as for other functions accorded to it by this Constitution and the law."

61. The Costa Rican political system is essentially presidential. Its characteristics are defined by the Constitution:

(a) The President and Deputies are elected by popular vote (Articles 105 and 130 of the Constitution).

(b) The President of the Republic is at once Head of State and Head of the Executive (Articles 130 and 139).

(c) The appointment and removal of Ministers is the exclusive and discretionary function of the President of the Republic (Article 139).

(d) The office of Minister is incompatible with that of Deputy (Article 111).

(e) The Assembly may not give the President of the Republic votes of censure, and the President may not dissolve the legislative body before its mandate is completed (Articles 148 and 149).

(f) Ministers have no political responsibility to the Legislative Assembly. The censure envisaged under Article 121, paragraph 24 is of a strictly moral nature.

(g) The responsibility for guiding the political life of the State lies with the President of the Republic, who has the exclusive initiative in framing the law during special session periods (Article 118). The President also prepares the budget, and is the only one that may propose reform of the budget (Articles 176 et seq.).

62. There are three distinct and autonomous branches at the President's disposal: the legislative, the Executive, and the Judicial. None of the three branches may delegate the exercise of its functions.

63. The Legislative Branch is the parliamentary body in the Costa Rican system. It has a single chamber, so that legislative power is exercised by a Chamber called the Legislative Assembly. The Assembly is located in the capital, San José, but may sit in session elsewhere, provided that at least two-thirds of its members are in agreement.

64. The Assembly is endowed with various bodies: a) the Plenary, comprising all 57 Deputies; b) the Ordinary Permanent Committees, charged with studying and deciding upon draft legislation; c) Special Permanent Committees, which are appointed for specific cases; d) the Governing Board and the Presidency as parliamentary bodies, as well as the Assembly of Department Heads, together with the President. The Ordinary Permanent Committees are as follows: 1) Government and Administration, 2) Economic Affairs, 3) Financial Affairs, 4) Social Affairs, 5) Legal Affairs, 6) Agricultural Affairs and Natural Resources. Each is made up of nine Deputies, except for the Financial Affairs Committee, which has 11 members. The President is not a member of any of the committees.

65. The Executive Branch is a constitutional body, which exercises the political and administrative function of the State. At the political level, the Executive makes the fundamental decisions of State. In the judicial sphere, it has primacy over other administrative bodies. The Civil Service Act therefore accords the Executive Branch the power of coordinating and directing all governmental and administrative tasks, including both centralized and decentralized administration.

66. The Executive Branch comprises the following basic bodies: a) the Presidency of the Republic, b) Ministries, c) the Cabinet, and d) the Executive Branch proper.

67. In order to become president or vice-president of the Republic, it is necessary to be Costa Rican by birth, a practising citizen, a layperson, and over 30 years old. The duration of the presidential term is four years.

68. Election of the president is accompanied by the election of two vice-presidents, who shall replace the president in his or her absence, by order of appointment.

69. Judicial power is exercised by the Supreme Court of Justice and by the other courts determined by law. The Supreme Court of Justice is the highest court of the Judicial Branch and also its administrative division. The Supreme Court comprises four separate Chambers: the First Chamber, which rules in civil and commercial matters and in cases brought by individuals or organizations against the State; b) the Second Chamber, which rules in matters of family, work, and universal proceedings (estate and bankruptcies); the Third Chamber, which rules in criminal matters; and d) the Constitutional Chamber, which rules in the matter of constitutional jurisdiction.

70. The main limitation on the Legislative Assembly, with respect to the Judicial Branch, resides in constitutional control of the law, since the Constitutional Chamber may annul a law on the grounds of formal and substantial defects. The Legislative Assembly may not change a decision since, once a resolution is passed (that is, once it is no longer susceptible to any appeal through the jurisdictional path proper), the Assembly may not pass a law changing the judgement.

71. The 1989 reform of Articles 10 and 48 of the Constitution and the promulgation of the Act of Constitutional Jurisdiction broadened the conception and regulation of constitutional jurisdiction. According to its Article 1, the Act of Constitutional Jurisdiction "seeks to regulate constitutional jurisdiction, which is designed to guarantee supremacy of the regulations and principles of the Constitution and those of international and community law in force in the Republic, the uniform interpretation and application of such regulations and principles, and the basic rights and freedoms enshrined in the Constitution or in the international human rights instruments in force in Costa Rica".

Legal context: rights and guarantees

Fundamental rights

72. The Constitution recognizes the basic rights of all individuals, without distinction, in accordance with Article 33. It guarantees the right to life, and there is no death penalty. It guarantees that no individual shall be secretly taken away by force, or subjected to torture; or cruel, inhuman, or degrading treatment or punishment. It stipulates that all people are born equal and are equal before the law. They shall therefore receive equal treatment from the authorities and enjoy the same rights, freedoms, and opportunities, without discrimination on grounds of gender, race, national or family origin, language, religion, political opinion, as well as personal and family privacy. The Constitution also states that all people shall have the right to legal capacity, and the inviolability of correspondence. It guarantees freedom of worship, freedom of expression, and freedom of movement, and guarantees that all people shall have the right to appeal to the authorities, whether for the collective interest or for their own interests, and to speedy resolution of their appeal. It states that work is a right and a social obligation and that it shall enjoy the protection of the State. It guarantees freedom of education and training. It also protects due process and states that no one may be molested in his or her person or family, nor imprisoned, detained, or have his or her house searched, without a written mandate from the competent legal authority. No one shall be imprisoned for debt, except in the case of unpaid maintenance. The Constitution establishes the right to institute habeas corpus and amparo proceedings, and recognizes the right of asylum and the right to political participation, among others.

Social, economic, and cultural rights

73. The Constitution also recognizes all social, economic, and cultural rights recognized by the pertinent international Treaties ratified by Costa Rica.

74. The Constitution recognizes the family as a natural, basic element of society, which has the right to the special protection of the State. The right to that protection also belongs to mothers, children, the elderly, and those who are destitute and sick. All enjoy the same rights, equalities, and opportunities. Special rights are recognized for children, adolescents, the elderly, and the handicapped. The Constitution guarantees the provision of social security as an obligation of the State. All infants under one year of age have the right to receive free medical care at State-funded health facilities. The Constitution also protects the right to work, the protection of labour, the right to take industrial action and to engage in collective bargaining, private property, intellectual property rights, and the enjoyment of public goods and royalties. Agricultural protection shall enjoy the special protection of the State. The State, society, and the family are responsible for education, which is compulsory and free. The Constitution provides for the right to free expression and access to public documents.

Collective and environmental rights

75. The Constitution states that the law shall regulate the quality of goods and services offered to the people, that all individuals have the right to enjoy a healthy environment, and that the State shall cooperate with other nations in protecting ecosystems.

Appeals procedures provided by the State for the individual

76. Any individual seeking to assert his or her rights may appear, either in person, or through a third party, before the Constitutional Chamber, at any time, by exercising his or her right to lodge a habeas corpus or amparo appeal. Only in the case of actions for unconstitutionality is the testimony of an attorney required. Judicial review may be brought solely by the authorities, while legislative review may be brought solely by Deputies.

77. The right to habeas corpus guarantees the freedom and integrity of individuals against acts and omissions by any authority, including judicial authorities. It also offers protection against threats to that freedom, as well as

against disruptions to, or restrictions on that freedom introduced unduly by the authorities. It also protects against undue restrictions on the individual's right to move from one place to another in the Republic and to reside in, leave, or enter his or her country.

78. Under Article 48 of the Constitution, the right to bring amparo proceedings guarantees those fundamental rights and freedoms that are not protected under the right to habeas corpus. Such proceedings may be brought against any provision, accord, resolution and, in general, against any action or omission that has violated, violates, or threatens to violate any of the rights guaranteed under the Constitution or recognized under international legal instruments ratified by Costa Rica.

Action for unconstitutionality

79. The Action for Unconstitutionality is regulated by the Act of Constitutional Jurisdiction. It is an independent action brought against those laws and other general provisions which, whether by action or omission, infringe a regulation or constitutional principle, or an independent action brought on the grounds of inertia, omissions, or abstentions by public authorities (Article 73).

80. Article 75 of the Act stipulates: "In order that an action for unconstitutionality may be brought, there must be a case that is either pending resolution before the Courts, including habeas corpus or amparo proceedings, or nearing the end of the administrative procedure, and in which such unconstitutionality is invoked as a reasonable means to protect the right or interest deemed to have been harmed. The aforementioned circumstance of pending resolution shall not be necessary when the nature of the case is such that there is no individual and direct harm, or when the case concerns the defence of broad interests, or those of the community as a whole. Nor shall such circumstance be required in the case of the Comptroller of the Republic, the Public Prosecutor, the Attorney General of the Republic, or the Public Commissioner".

II. Analysis of articles of the Convention

Articles 1 and 2: Policies and measures aimed at eliminating discrimination against women

> ***Article 1****: For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*
>
> ***Article 2****: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*
>
> *(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
>
> *(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
>
> *(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

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Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

Constitutional regulations and international treaties

81. The Constitution of 1949 sets out the principle of equality in a comprehensive manner. Article 33 states that "All men are equal before the law, and no form of discrimination that is contrary to human dignity shall be permitted".

82. As was common in Latin American constitutions of the time, and as found commonly in legal texts, the word "man" was used as a generic masculine term denoting both men and women. Progress was achieved in applying the principle of equality when the Constitutional Chamber issued the following interpretation concerning the text of the Constitution and legislation in general: "in order to prevent any future cases of inequality and discrimination that may occur through application of the Basic Charter or other existing legal instruments or through the exercise of the powers accorded to the Chamber under the Constitution, it is hereby resolved that whenever the term "man" or "woman" shall be used in legislation, it shall be regarded as synonymous with the word "person," thus eliminating any possible gender-based "legal" discrimination. This change shall be applied by all public officials presented with any action whose resolution requires application of a regulation employing the aforementioned words".

83. Furthermore, the Legislative Assembly is currently considering a draft law (Procedure No. 12.037) proposing that the word "man" be replaced by the word "person," with a view to "modernizing our legislation and adapting it to new theories aimed at achieving equality of sexes and genders, in order to correct an injustice that our legislative bodies permit, by perpetuating the male-centred perspective through the inclusion of women under the term "men" when, in fact, they have different meanings".[4]

[4] Legislative Assembly of the Republic of Costa Rica, Special Commission appointed to deliberate reform of Articles 20 and 23 of the Constitution, Procedure No. 12.037. Gives unanimous approval.

84. This draft law is an important initiative, which seeks to ensure that the principle of equality between men and women be set out explicitly, positively, and clearly in the Constitution, as stipulated in the relevant recommendation by the CEDAW Committee.

85. Under Article 7 of the Constitution, public treaties and international conventions duly approved by the Legislative Assembly take precedence over the laws. The Constitutional Chamber also recognized, on the basis of Article 48, that the human rights instruments in force in Costa Rica not only have a value similar to that of the Constitution, but also, when they bestow superior rights or guarantees upon people, prevail over the Constitution (Constitutional Chamber Judgement No 3435-92). Costa Rica has ratified a number of international treaties that establish the principle of equality, with prohibition of gender-based discrimination as compulsory and essential to the recognition of that right.[5]

Table 8

International treaties and conventions	*Date of ratification*
International Covenant on Civil and Political Rights and Optional Protocol (entered into force on 23 March 1976).	29 November, 1968
International Covenant on Economic, Cultural and Social Rights (entered into force on 3 January 1976).	29 November, 1988
American Convention on Human Rights (entered into force on 18 July 1978).	2 July, 1980
Convention on the Elimination of All Forms of Racial Discrimination (entered into force on 4 January 1969).	16 January, 1967
Convention on the Elimination of All Forms of Discrimination against Women (entered into force on 30 September 1981).	2 October, 1984
Convention on the Rights of the Child (entered into force on 2 September 1990).	21 August, 1990
Convention concerning Indigenous and Tribal Peoples in Independent Countries ("ILO Convention No. 169"). Entered into force on 5 September 1991.	2 April, 1993
Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (entered into force on 3 March 1995).	5 July, 1995

86. With respect to setting out in law the principles of equality between men and women, particularly worthy of note are two treaties that were signed unreservedly by Costa Rica: a) the Convention on the Elimination of All Forms of Discrimination against Women (hereafter "the Convention") and b) the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

87. Costa Rica has also ratified various ILO conventions protecting specific rights, such as equality in respect of pay, employment, and occupation, in the case of workers with family responsibilities, and benefits payable in the case of work-related accidents and work-related illnesses:

Convention No. 45 ("Minimum Age (Underground Work) Convention"), 1935. Ratified by Act No. 2015 of 22 March 1960.

[5] Prior to approval of the Convention, Costa Rica subscribed to other treaties establishing the principle of equality in specific areas, including the nationality of the married woman and the exercise of political rights.

Convention No. 89 concerning Night Work of Women Employed in Industry, 1948. Ratified by Act of 2 June 1960.

Convention No. 100 and Recommendation No. 90 ("Equal Remuneration Convention"), 1951. Ratified by Act No. 2561 of 2 June 1960.

Convention and Recommendation No. 111 concerning Discrimination in Respect of Employment and Occupation, 1958. Ratified by Act No. 2848 of 1 March 1962.

Convention No. 156 and Recommendation No. 165 concerning Equal Opportunities and Equal Treatment for Men and Women Workers with Family Responsibilities, 1981. Draft Law No. 10018, under consideration by the Legal Affairs Committee of the Legislative Assembly.

Convention No. 121 concerning benefits in the case of employment injury. Table 1 amended in 1980. Draft Law No. 10007, under consideration by the Legal Affairs Committee of the Legislative Assembly.

General laws

88. Costa Rican legislation includes a number of laws regulating the Family, Labour; Civil, Trade, and Criminal matters; as well as Children and Adolescents. Within most of these Codes, expression of the principle of equality between men and women is tacit or indirect, and implicit in the regulations, since the Codes are covered by the constitutional principle that all people are equal before the law.

89. The Labour Code is concerned with workers' rights in a generic sense, and makes no distinction as to gender. The principle of equality is alluded to explicitly only in Article 167 which, in the matter of wages, stipulates: "for equal work performed for an equal job, for an equal length of time, and at an equal rate of efficiency, equal wages shall be paid. No distinction may be made on the grounds of age, gender, or nationality".

90. The Legislative Assembly is presently considering the Draft Law on Gender Equity in the Labour Code (Procedure No. 12576). This law aims to reform Articles 85, 87, 88, 90, 104, 106 and 243, thereby eliminating certain discriminatory provisions on women's work, which offend against the principle of equality (claiming benefits, provisions banning women from working in certain disciplines, work performed by women domestic workers).

91. Article 2 of the Family Code establishes, as basic principles for the application and interpretation of the Code, "... the unity of the family, the interests of the children, and equal rights and duties for the spouses". This law, which was approved in 1973, was a pioneering act of legislation, in its recognition of women's equality in certain areas of family life. For example, it explicitly recognizes equal rights and duties for the spouses, as well as equality regarding grounds for divorce. However, the Code still contains contradictory provisions regarding full application of the principle of equal rights and duties of the spouses. As a result of those provisions, women's rights are subordinated in some areas. Article 35, for example, states that "the husband shall be primarily responsible for supporting the family. The wife shall help support the family, jointly and proportionately, provided that she have resources of her own".

92. Over the past 10 years, a number of reforms have been introduced with a view to guaranteeing gender equity in the exercise of the rights set out in the Family Code and ensuring effective implementation of the constitutional principle of equality between men and women. The reforms made to the Family Code in this regard are the following:

(a) The Act Promoting the Social Equality of Women, of 8 March 1990, reforming Article 42 (encumbrance of family property, privileges), Article 43 (manner of encumbrance, registration, effects, and fiscal

exemption), Article 47 (cessation of encumbrance), and Article 138 (joint exercise of parental authority in the event of conflict and administration of child's assets).

(b) The Act Regulating Common-law Marriages (Act No. 7532 of 8 August 1995) includes the common-law marriage in the Family Code, regulating the conditions required for marriages to be recognized as such, and notably placing patrimonial effects on the same level as for marriage.

(c) Act No. 7538 of 22 August 1995, which reforms the Family Code, the Organic Law of the National Children's Office, the Organic Law of the Supreme Electoral Court, the Civil Registry, and the Criminal Code. The Act's aims include regulation of the adoption of persons, recognition of paternity and maternity of children, and the recovery of custody.

(d) Act No. 7689 of 21 August 1994, reforming Articles 8, 41, and 98 of the Family Code and adding Article 48a on procedures for judicial proceedings, joint property, and technical procedures for the determination of paternity. On the one hand, this reform increases the flexibility of procedures for judicial proceedings in family matters. On the other hand, it eliminates the loss of joint property for the culpable spouse; establishes that the assets shall be regarded as charged by full right of law, after which liquidation of the joint assets shall be declared by legal judgement; and empowers the innocent spouse to seek reparation for damages in the event that said spouse has been subjected to physical abuse or aggression, or that there has been an attempt to corrupt or to force said spouse or the said spouse's children into prostitution. However, among the main focuses of work of the CMF[6] has been the need to reform Articles 40 and 41 of the Code, so that the community of joint property shall take effect at the beginning of the marriage, not when it is dissolved, and become an inalienable right. As long as the provision entitling the owner husband to dispose freely of the assets is not reformed, women will continue to be discriminated against, since practice has shown that, according to custom, goods acquired during marriage are generally assigned to the husband's name.

93. With a view to rectifying these faults in the Code, the Legislative Assembly is presently studying the Draft Law on Gender Equity in the Family Code (Procedure No. 12575), based on the commitments made through ratification of the Convention. The draft law seeks to reform provisions in the area of the family, with a view to eliminating discrimination. It calls for reform of Article 35, so that, in the future, both spouses must support the family out of their own resources; reform of Article 41, so that the community of joint property shall take effect at the beginning of the marriage, not at its dissolution, and become an inalienable right; and reform of Article 53, giving the judge the power to authorize or order either one of the spouses to leave the family home, once judicial separation has been requested.[7] The draft law also states that protection of the National Children's Office is limited to minors. The CMF has recommended that the joint family responsibility of men and women be regulated in accordance with the opinion of the Independent Commissioner for Women of the Office of the Public Commissioner. The intention is to regulate the obligation of both spouses or common-law partners to perform the domestic chores necessary to take care of the home and the family. The draft law also sets out the responsibility of both spouses to support the family, provided that they have their own resources, earned from paid work.

94. On 6 February 1998, the Code on Children and Adolescents became law.[8] This Code represents a joint effort by non-governmental agencies and public institutions. Specifically, it recognizes that children and adolescents of both genders have rights and obligations, within the limits of their special state of development, and under the protection recognized by the Constitution and international treaties. It states explicitly in Article 3 the principle of equality between men and women: "The provisions of this Code shall apply to any person of minor age, with no distinction whatever, regardless of the ethnicity, culture, gender, language, religion, ideology, nationality, or any other personal characteristic of his or her father, mother, legal representative or responsible person. The rights and guarantees of this group are of public interest, inalienable, and non-transferable." It represents major progress

[6] The government agency responsible for initiating, steering, and coordinating public policy on the promotion of women.

[7] At present, this action is allowed only in the case of divorce.

[8] Act No. 7739.

toward establishing a modern set of standards that is consistent with the commitments made by Costa Rica with regard to childhood, adolescence, and young adulthood, sustained by a new conception of social coexistence. This approach recognizes that children and adolescents are a fundamental sector of the population, and must receive from the adult population the care and recognition necessary for their comprehensive development, which guarantee them the right to participate actively in all decisions that concern them. It includes a range of standards that establish the foundations for equality of opportunities between girls and boys in all areas of social life, regardless of whether they are in a situation of legal irregularity or in conflict with the law.

Special laws

95. On 8 March 1990, Act No. 7142 on the Promotion of Social Equality for Women was approved. Article 1 of the Act states that: "It is the obligation of the State to promote and guarantee equal rights between men and women in the political, economic, social, and cultural spheres." This is a pioneering Act in terms of the promotion of women's rights in Latin America as a whole. It is based on the principle of equality contained in the Convention, transcending the formal equality contained in Article 33 of the Constitution, by accepting and promoting the implementation of affirmative actions to achieve its objectives. This Act includes two types of norm: a) regulations to be applied directly, and whose implementation must be requested before the Courts of Law; and b) regulations establishing obligations for State institutions. The Act provides a series of measures aimed at eliminating discrimination against women in the exercise of public functions and in decision-making within the political parties, in access to ownership of fixed assets awarded under social programmes,[9] under the Sickness and Maternity Scheme, at infant centres, in protection from sexual crimes and domestic violence, and in education. It also includes the creation of an Independent Commissioner for Women, attached to the Commissioner for Human Rights (when the Office of the Public Commissioner was created, the Independent Commissioner for Women was attached to the new office).

96. On 3 March 1995, Act No. 7476 on Sexual Harassment in the Workplace and in Education was approved. This represents a historic milestone along the road toward a society free from gender-based discrimination and violence. Article 1 states that the Act "is based on the constitutional principles of respect for freedom and human life, the right to work, and the principle of equality before the law, which oblige the State to condemn gender-based discrimination and to establish policies to eliminate discrimination against women, in accordance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women." This Act provides an operative definition, defines mechanisms and procedures for reporting and prevention, and obliges all employment and educational facilities – whether public or private – to introduce regulations in accordance with the law, in a timely fashion. The Act was the result of a proposal by Deputies of the two majority parties, formulated in conjunction with persons from civil society having significant experience in the field.

97. Act No. 7586 on Domestic violence was approved on 10 April 1996, as one of the first steps toward the adoption of urgent and effective measures to protect women from gender-based violence, in fulfilment of the commitments made by Costa Rica in ratifying the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. It recognizes the principle of equality between men and women in the right of women to live a life free of violence. The Act provides for 18 protective measures that are available to individuals who have endured domestic violence, in order that they may have mechanisms with which to break

[9] Article 7 of the Act states that all fixed assets acquired through government programmes shall be registered in the names of both spouses in the case of a married couple and in the names of both live-in partners, in the case of a common-law relationship. Originally, this norm established that in the case of women in common-law marriages, property would be registered exclusively in her name, but this was amended under a resolution of the Constitutional Chamber, as it was thought that the norm discriminated against men within common-law marriages. The original norm gave full protection to women living with a partner under a common-law marriage, since property was registered exclusively in the woman's name. Under the resolution of the Constitutional Chamber, women retain their right of property, but share it with their partners. This does not guarantee them full protection in the event that they must end the relationship.

the cycle of violence and initiate a process of redefining strategies and conditions for a future coexistence free of violence.

98. The discussion process for the draft law included the participation of a broad group of non-governmental agencies, women's organizations, faculty members engaged in teaching gender-studies programmes at State universities, and the CMF. Two distinct positions emerged during the discussion process, and it would be worthwhile noting them here. One group argued for a law that would focus on protective measures for violent situations within the marital relationship and for cases of sexual abuse of minors, while the other advocated a law that would address all situations of domestic violence. The first group (which included the CMF) proposed restricting the field of application, in order to prevent the Act from working against women who are victims of violence at the time of its application (on the grounds that women, for reasons of gender, are more vulnerable than men). Although this view did not prevail, Article 1 of the Act, which is devoted to general provisions, sets out the duty of judges to ensure that aggressors do not use the Act against their victims, and also states that protection should be provided in particular to women who are victims of violence within the marital relationship or victims of incestuous sexual abuse.

99. Lastly, the main goal of Act No. 5811 on the Control of Advertising using Images of Women[10] is to ban commercial advertising that offends against dignity and family modesty, and in which images of women is used in an indecent manner to promote sales. This is one of the Costa Rican laws that are covered by the principle of equality, but do not state that principle explicitly.

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

100. Since the early 1980s, the Costa Rican State has taken a number of measures designed to bring to light and eradicate discriminatory practices against women in various social, economic, political, and cultural spheres. Those efforts were intensified following approval of the Act on the Promotion of Social Equality for Women, in 1990. Its actions have focused in particular on research activities in critical areas and legal and social studies, with a view to identifying discriminatory practices in the administration of justice and the delivery of State services. Another key focus has been the organization of specialized seminars, meetings, and conferences, with various sectors of civil society making major contributions (for example, submitting reports of their own experiences and the results of their studies).

101. The Office of the Public Commissioner (working through the Independent Commissioner for Women since its creation in 1993), has dealt with referrals and complaints about discrimination against women in public-sector institutions. It has also conducted studies in an effort to find out about discriminatory practices in the provision of public services and issued recommendations to help the competent authorities make the necessary decisions to eliminate obstacles and correct omissions.

102. Since 1994, in particular, and through the National Centre for Women and the Family (CMF), the State has conducted a number of studies and taken various actions designed to identify discriminatory practices in various areas, including the legal sphere. The CMF's efforts have provided the basis for a range of public policies, national plans, specific programmes, and legal reforms, aimed at the elimination of various obstacles to gender quality and equity within the family, in education, in the nation's cultural life, in health, employment, the environment, the communications media, decision-making, and legislation, and at enabling people to live a life free of violence. Reforms have been introduced into the country's main legal Codes and into specific legislation. As a result, the gender approach has been applied, and training has been provided to personnel in the public sector, the different branches of government, and the administration of justice. Efforts have been made to include in current legislation regulations that specifically prohibit discrimination, as well as sanctions for transgressions. (For more detailed information, see paragraphs 164-209.)

[10] Act of 10 October 1975 and Executive Decree No. 11235-G of 10 October 1979.

103. Efforts have also been made to follow up on the application of more recent legislation concerned with the principle of equality. For example, under follow-up activities related to the Act on Sexual Harassment in the Workplace and in Education (1995), omissions and problems of interpretation have been identified, resulting in amendments to the text of the Act. One of the reforms being pursued is the effort to establish clearly that, for sexual harassment to exist, there need not be formal subordination, and that harassment can take place among equals (as might be the case among students or work colleagues) or on the part of a subordinate (as between a student and his teacher, for example).

104. In regard to whether all public institutions and private companies have duly established regulations and internal rules on sexual harassment, application of the Act has been unsatisfactory. Even though they were compulsorily required to establish the said standards and regulations within three months of the Act's introduction, most State institutions and private companies have failed to do so. At the time of writing, the norm had been applied mainly in public-sector institutions, but not in the private sector. It appears, therefore, that the Act should be reformed, with a view to providing for sanctions to be imposed on those who fail to implement the norm. Also, a more active role should be played by the Ministry of Labour, as the State institution responsible for monitoring compliance with the norm and approving internal work regulations within private companies.

105. With respect to the Domestic Violence Act (1996), although it calls for the application of protective measures by the country's law-enforcement agencies, according to various non-governmental agencies and women who have been victims of violence, the police have not always implemented the Act in a satisfactory manner – for example, by refusing to admit complaints. It is well known that prejudices and stereotypes persist regarding violence within marital relations, which is often regarded essentially as a private matter, to be resolved by the couple itself. Consequently, the CMF; the Office of Women's Affairs of the Ministry of Justice; and various women's organizations have taken a number of measures aimed at sensitizing and training law-enforcement staff and judicial personnel about domestic violence and the application of the law. Actions have also been taken to help women familiarize themselves with the mechanisms that exist to protect their rights.

106. Lastly, with respect to the Act on Commercial Advertising, it must be said that images of women continue to be used as a publicity tool by all society's communications media, particularly for advertising and to help boost sales of consumer goods. The Independent Commissioner for Women has therefore insisted on the need to put an end to the exploitation of images of women, calling upon the Interior Ministry not to permit ... "publicity using photographs or television pictures, whether in the press, on television, on posters or billboards, such as those shown in commercials ..." (Office of the Public Commissioner, Procedure No. 536-01-95).

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

Agencies for the protection of Human Rights

Domestic violence

107. Application of the Domestic Violence Act has been made more effective through procedures allowing rape victims to make a report; enabling the police to intervene ex officio, without the need for such a report; and facilitating the request for protective measures.

108. The Act stipulates that the competent authority may apply the following protective measures: a) order the aggressor to leave the home and, in the event of resistance, have the aggressor forcefully removed by the police; b) allocate a new communal home for the victim, to protect her from future attacks; order that the home be broken into if the physical, sexual, patrimonial, or psychological integrity of any of the inhabitants is at grave risk; d) forbid weapons to be introduced to, or kept in the home, when they are used to intimidate, threaten, or cause harm; e) confiscate the weapons of the alleged aggressor; f) suspend or ban the aggressor from involvement in caring for, raising, or educating the minor children; g) prohibit the alleged aggressor from accessing the home,

workplace, or place of study of the victim, either temporarily or permanently; h) impose a maintenance payment, in accordance with the Maintenance Act; i) order the seizure of fixed assets belonging to the family nucleus and order that the victim may have use of household items; j) order the alleged aggressor to refrain from interfering with the use and enjoyment of the working tools of the victim; k) order the aggressor to pay damages in compensation for harm done to the victim or to the property essential to the victim's everyday life; l) issue a police protection order under which the victim may seek help from the local police authorities in the event of a threat outside the home.

109. Precautionary measures designed to keep the perpetrator away from the victim include: a) removal of the perpetrator from the shared home; and b) banning the perpetrator from accessing the victim's home, workplace, or place of study. Application of these measures follows a very rapid procedure. The victim may submit the request either verbally or in writing. The judge will then immediately order the necessary protective measure or measures. The decision shall be communicated to the other party, who shall have no recourse whatever against said decision. The Court may decide to order other measures, other than those requested. As part of the same decision ordering the protective measures, the Court shall summon the parties to appear within three days at an oral hearing, at which the evidence will be assessed. Once this has taken place, the summons will be deemed completed, and the Court will decide whether or not the measures imposed shall remain in force.

110. Practical application of the Act has brought to light certain difficulties. In rural areas, for example, women do not always have access to City Hall or to the Courts. Moreover, failure by the aggressor to implement the measures imposed upon him is regarded as a contravention on his part, punishable by a fine, which may not be exchanged for a prison sentence. Thus, if the individual does not have the money to pay the fine, the offence goes unpunished. Despite the national campaigns conducted by the State to inform people about the Act and its application, as well as more elaborate initiatives carried out by women's organizations, many women are unaware of some of the rights accorded to them under the Act. For example, even when a woman requests one or more measures, the order is duly given by the competent authority, and the judge duly summons the parties to appear within three days at an oral hearing, so that the evidence can be heard, the woman concerned is not always informed of this, and is not told that if she fails to appear at the hearing, the case will be closed.

111. The Judicial Branch is considering measures to resolve these problems, some of which will require legal reforms, while others will require the provision of financial and technical resources, to deal appropriately with the demands of people living in rural areas and to ensure that victims are informed accurately and in due form about their rights.

Rape, physical abuse, and sexual abuse

112. The procedure for reporting rape, physical abuse, or sexual abuse is different in each case. Rape is a public offence pursuable by private request, when the victim is over 15 years old. The victim must make the decision and address her complaint to the judicial authorities. She may also report her case to the Office of Women's Affairs of the Ministry of Justice. Once the complaint has been filed, the judicial officials must refer the victim to a forensic physician for examination. According to Article 14 of the Act Promoting the Social Equality of Women, the victim may register her complaint with a judicial officer and be accompanied by a person of her choice during the forensic examination.

113. Physical abuse may be reported under a criminal procedure at City Hall when the injuries involved are very minor (injuries that cause sickness for less than 10 days). In the case of more serious injuries or other crimes, the abuse may be reported either to a Court of First Instance or to the Prosecuting Authorities. Even when the victim does not wish to press criminal charges, she may still request protective measures under the Domestic Violence Act, which is a civil procedure.

114. Sexual abuse may be reported as a public offence or an offence pursuable ex officio, depending on whether the victim is an adult or a minor. If the case is pursuable in the public courts, any public official has the obligation

to lodge the complaint. If the victim is a minor having no representative or guardian, or if those individuals have conflicting interests, the National Children's Office may intervene to bring the complaint, even before the Court.

115. The victim shall have contact with at least three persons: a) the person receiving the complaint (the clerk), b) the person swearing in the complaint (official of Attorney General's Office), and c) the person or persons conducting the medical examination. The victim must be seen, during the complaint procedure, by the person receiving the complaint, the person working at the registration desk in the forensic medicine facility, the medical professional, and a nurse. The victim must then give testimony during the legal proceedings. If the Attorney General's Office wishes to conduct an informal investigation, the victim will be asked to relate the facts once more to that Office. This situation is unusual, and applies only in cases of absolute necessity. Although the medical examination is very important, it is not required for the matter to proceed, nor is it a pre-condition for the same.

116. Office hours for the various services vary according to the type of aggression involved. For cases of rape, there is a service that operates virtually 24 hours a day in San José, the capital. This system does not operate in some provinces, as the medical personnel involved do not work for the Judiciary alone. Cases of sexual abuse and domestic violence are dealt with during normal office hours.

117. Under the Act on Sexual Harassment in the Workplace and in Education, victims of sexual harassment may lodge a complaint either in the workplace or in the courts. When sexual harassment occurs at an educational facility, the complaint must be made either to the Director of the facility or to the courts.

118. Article 428 of the Code of Criminal Procedures stipulates that an individual with civil capacity who regards himself or herself harmed by a private offence may pursue a compensatory civil action. Articles 56-70 of the said Code also outline how one can become a civil actor, who can participate in the process of authenticating the offence, the existence or extent of the alleged harm, and the civil responsibility of the person who is the object of the action. Civil action applies in the case of offences of sexual violence, but not for victims of domestic violence, since there is no such offence, as such. When the offences are public, the Ministry must proceed by civil action, either when it is delegated to do so by the person bringing the suit or when the person bringing the suit is unable to exercise his or her rights and does not have a representative (Article 10 of the Code of Criminal Procedures).

119. This is one of the rights that women are least aware of. As a result, it is unlikely to be exercised. The various campaigns and other activities aimed at educating women about their rights have emphasized certain rights and procedures, and the State is aware that greater emphasis should be given to the subject of redress.

Recourse to habeas corpus

120. This recourse exists as a fundamental right of any person, whether Costa Rican citizen or foreigner, man or woman, of whatever age or status, aimed at protecting their freedom and personal integrity from unlawful privation of freedom, their right to move about the country or remain in any part of the country, as well as their right to leave or enter the country; and at protecting their personal integrity.

121. Article 48 of the Constitution empowers the Constitutional Chamber to adjudicate in appeals of this type. The right of habeas corpus is available to any individual, as a way to protect and guarantee the basic rights provided for in the Constitution, in the event of proceedings, omissions, or breaches by public authorities, as well as against judicial authorities, based on their jurisdictional function proper. It may not be used against private individuals, for example, when they exercise privation of liberty (e.g. family member, tutor, employer, spouse, or brothel owner). These cases are intended to be adjudicated via the normal criminal procedure, according to the classification set out in the Criminal Code with respect to offences against individual freedom.

Programmes to raise awareness of gender issues within the judiciary

122. Since the early 1990s, various public institutions and international agencies have been involved in activities designed to raise awareness of gender issues, through the Judicial School, which is responsible for educating and training staff of the Judiciary. Notable among those agencies and programmes are: the CMF; the Office of Women's Affairs of the Ministry of Justice; the Women, Law, and Gender programmes and the Regional Training programmes on Dealing with Violence provided by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders; and the University of Costa Rica's Interdisciplinary Programme on Gender Studies. These various actions have been directed primarily at judges and at staff of professional organizations. The impact of the programmes has been limited, as they have not been able to reach all members of the Judiciary. They have, however, managed to transform the phenomenon of domestic or sexual violence into a major legal and social issue.

123. Under the National Plan for the Care and Prevention of Domestic violence (PLANOVI), the CMF has been promoting a process of awareness-raising and training on domestic violence and the Domestic Violence Act. In 1997, a number of seminars were held, and attended by more than 250 people, of middle and high rank, from the various agencies of the Judiciary. In order to support this training process, a series of shared-learning modules was created, entitled "Becoming aware of, thinking about, and confronting domestic violence." A shared-learning module on domestic violence was also created, and incorporated within the permanent curricula of the Judicial School. (For further information about the PLANOVI, see paragraphs 437-446.)

Prosecutors, Ombudsmen, Attorneys General, and State Agencies for the Protection and Defence of Women's Rights

Independent Commissioner for Women, Office of the Public Commissioner

124. The Independent Commissioner for Women is a specialized agency of the Office of the Public Commissioner of the Republic of Costa Rica. It conducts a range of activities aimed at informing different sectors of the population about their rights and obligations, as well as the existing mechanisms for claiming and defending them. To do so, it uses communications media; community-based human-rights events; public shows at community venues; mobile displays that move around from week to week, from one canton to another; and various educational materials. It also puts on discussions, workshops, and other awareness-raising and training activities. It also conducts campaigns to combat violence against women, as well as information and education campaign regarding application of the Act on Sexual Harassment in the Workplace and in Education. It also formulates legislation and deals with referrals and complaints regarding discrimination, due to abuse or omission, in the public sector.

125. The Independent Commissioner for Women operates throughout the country from its headquarters in the capital, San José and its various regional mobile units, working together with the other Independent Commissioners' Offices of the Office of the Public Commissioner, in order to use resources as efficiently as possible.

Office of Women's Affairs, Ministry of Justice

126. The Office of Women's Affairs is an agency of the Ministry of Justice, which receives, reviews, and refers complaints of domestic violence. The Central Office is located in the capital city of San José. It has national coverage, with many women who live in other provinces addressing themselves to local offices to lodge their complaints. Its work has been focused on three areas of the country: a) the Central Plateau, where the Central Office is located; b) the subregion of Golfito (in the South); and c) the subregion of Hatillo (the urban region lying south of the capital). The Hatillo office opened in April 1997, in response to the number of cases being reported in the Metropolitan District of San José. It was set up by the Presidency of the Republic as a service model for the Seventh Police District, which houses many institutions providing basic services regarded as being

of priority importance to the community (institutions such as the National Children's Office and the DARE Programme).

127. The Office of Women's Affairs operates in four specific areas: a) Legal matters (complaints and legal counselling); b) Psychology (vocational training and individual therapy); c) Social Reintegration (home visits and coordination with various institutions to secure food vouchers, housing, and other benefits; and d) Prevention (including training workshops held in schools, churches, and clubs, as well as support groups).

128. During 1994, the Office of Women's Affairs dealt with 2,299 complaints, representing an average of 10 complaints per day. In 1995, the number of complaints more than doubled, to 5,442 (an average of 21 complaints per day). In 1996, the total number of domestic-violence complaints rose to 16,005 (mainly women). During the first half of 1997, the total number of reported cases was 8,595, reflecting a slight increase over the previous year.

Teaching people about the law

Public institutions and national coverage

129. During the period 1995-98, under the PLANOVI, the CMF and the Office of the First Lady of the Republic conducted the campaign "For a life without violence" which involved a number of different phases. The first phase, which went under the motto "Peace begins at home," sought to raise people's awareness of the overall issue. Over a period of eight months, fourteen commercials were produced, each specially adapted to different communications media. They were used by 70 radio stations, 13 television stations, and six newspapers. Private enterprise and the communications media helped fund the guides wherever audiences were high.

130. The second phase of the campaign, which was given the motto "Nothing justifies violence," sought to inform the people about the Domestic Violence Act and its procedures. This campaign comprised five radio slots and a special pullout supplement for the country's biggest-selling newspaper, including the text of the Act and an explanation. In all, 137,000 copies of the supplement were distributed through the newspaper, and a further 20,000 were handed out during training programmes.

131. A third phase, entitled "We can live without violence," was implemented with a view to making different governmental agencies aware of their roles and responsibilities regarding the problem of domestic violence, raising people's awareness of the free telephone help line entitled "Break the silence," and encouraging people to report cases of domestic violence. This campaign consisted of six television commercials and six radio spots, as well as 5,000 posters and 5,000 stickers, and an information brochure (100,000 copies).

132. According to audience surveys and opinion polls, conducted especially during the first phase of the campaign, 74.3 per cent of people remembered the campaign messages. Furthermore, 57.1 per cent of people thought that the campaign had helped to change the way people thought about family relationships, while 92 per cent of the urban population thought that domestic violence was a serious problem, which should be openly discussed.

133. The CMF has also implemented a number of informative activities on women's rights in the various communications media. The Centre published the Convention to raise awareness of its content and scope among the people (Recommendation No. 10 of the CEDAW Committee). It also designed and published a series of teaching modules designed to help educate people about women's rights. These modules are used by State institutions and non-governmental organizations working in the area of human-rights education. The Centre also designed and published a series of teaching modules on how to deal with domestic violence, and a number of guides about how to recognize and report sexual harassment at work in education, as well as a range of other materials. All these materials were distributed nationwide.

134. In 1997, the CMF began to broadcast radio campaigns, on the rights of adolescent women and on the prevention, reporting, and punishment of sexual harassment among adolescents and youths. The campaigns were integrated and were also accompanied by a range of awareness-raising and training programmes, aimed at various sectors: adolescents, teachers, counsellors, work inspectors, and staff of the various institutions.

135. During the 1994-1998 Administration, the deputy vice-presidency of the Republic and the National Children's Office, with the support of the United Nations Children's Fund (UNICEF), conducted an information campaign on the theme of children's rights. Also, the Joint Institute for Social Assistance, the Family Benefits Office, and the deputy vice-presidency of the Republic conducted a campaign to inform poor women heads of household of their rights, as part of the "Women" component of the National Poverty Plan.

136. The National AIDS Office (CONASIDA), which is attached to the Ministry of Health, regularly conducts large-scale HIV/AIDS prevention campaigns that promote safe sex, provide information about rights and obligations, and raise the people's awareness of the issue and of the rights of those concerned. The campaigns are nationwide, conducted through the communications media, health-care personnel, and educational institutions.

Other State institutions and community organizations

137. Under the Interdisciplinary Programme on Gender Studies (PRIEG-UCR), the University of Costa Rica has implemented a range of activities aimed at informing and educating the university population about how sexism is manifested at the university, the policies that should be promoted in order to create effective conditions for equal opportunities, and the rights and obligations of the university community in this sphere. A key focus of this work is women's right to violence-free work and study environments. This has been promoted through application of the Regulation of the University of Costa Rica under Act No. 7476. These activities are carried out on a permanent basis, and covers the entire institution, addressing students, teachers, and administrative staff.

138. Since 1996, the Paniamor Foundation (a non-governmental organization) has been conducting a campaign aimed at raising the people's awareness of children's rights, mainly with respect to child sexual abuse. This is a permanent campaign, conducted in the communications media and within education facilities, on a nationwide basis.

Information campaigns on processes and procedures

139. There are few campaigns of this type in existence. As mentioned in paragraphs 129-132, above, the CMF and the First Lady of the Republic have, since 1995, been promoting the campaign "For a life without violence," which has included a number of different phases. Both the second and third phases of the campaign emphasize information about processes and procedures under the Domestic Violence Act. This information is reinforced by the free help line entitled "Break the silence," under which any citizen may make a free call to receive information.

140. Furthermore, the CMF has, since the early 1980s, been strengthening the organization of women at the cantonal level, by means of various education activities, on subjects such as women's rights, living without violence, leadership, and legislation protecting women. Over the last four years, women have been trained and assisted in management, with the participation of public agencies and non-governmental organizations.

141. In late 1997, under the Programme to Promote Women's Active Citizenship (PROCAM), the CMF conducted a publicity campaign to promote women's political rights, with a view to informing women in particular about their political rights and about how the quota system for popular elections works. This system was applied for the first time during the elections held in February 1998 (see paragraphs 198 and 199).

142. Some State institutions and non-governmental organizations are conducting campaigns that employ other types of resources. This is the case with the Office of the Public Commissioner (mobile units, written materials,

and community-based human-rights events), the PRIEG-UCR (written materials, workshops, and school and university discussions), the Paniamor Foundation (community workshops, written materials, workshops, and discussions at educational institutions with children, adolescents, teaching staff, and community leaders), the Latin American Institute for Health Promotion and Education (workshops with people infected with HIV/AIDS and workshops at educational institutions, at the primary, secondary, and university levels), and the Costa Rican Women's Alliance (written materials, workshops, and discussions).

Free or semi-free services offering legal assistance to women

143. A system of free legal representation is provided by the State in agricultural and criminal matters, when the accused is a woman. In labour matters, no legal sponsorship is required. In family and civil matters, legal sponsorship is required and no free services are provided by the State. In the case of domestic violence, it is not required, nor is it provided by the State. Various State institutions, such as the CMF and the Office of Women's Affairs, offer counselling, but not legal sponsorship.

144. Institutions and non-governmental organizations that offer legal-aid services mostly offer other services, such as psychosocial support and the promotion of rights and information, as part of a comprehensive service model.

Table 9

Type of agency	*Area*	*Services*	*Coverage*
Centre for Women and the Family (CMF)	Women's rights; life without violence:	Legal counselling; referrals.	National.
	Temporary hostel for victims of domestic violence. Free help line.	Legal aid, psychosocial support, definition of productive resources.	
	Offices for the promotion of women's rights.	Promotion of rights, information, guidance, and help services.	Cantonal.
Judiciary	Domestic violence, sex offences	Legal and social aid; judicial requests; medical and legal care; rulings.	National.
Public Commissioner	Women's rights.	Legal counselling; preparation of legal instruments; legal consultations; education.	National.
Office of Women's Affairs, Ministry of Justice	Domestic violence.	Legal counselling; divorce and separation.	National.
University of Costa Rica	Domestic violence.	Counselling and legal aid in family matters (legal consultancies).	Metropolitan Area and some rural cantons.
	Sexual violence; gender discrimination.	Legal and psychosocial aid; education; technical assistance; research; group support.	Institutional.

NGOs: CEFEMINA, CLADEM, PANIAMOR, CODEHU, ASTRADOMES, Costa Rica Women's Alliance, ANDAR, Asodelfi, Women's Inter-Confederal Committee.	Domestic violence. Women's rights.	Counselling and legal and psychosocial aid; education; technical assistance; research; human-rights education.	National.

Source: National Centre for Women and the Family (CMF); Office of the First Lady of the Republic. *Directory of domestic-violence services.* San José, Costa Rica. 1997.

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise;

145. Costa Rican legislation does not recognize a specific offence of discrimination. However, even when there are no regulations in this regard, concrete sanctions are imposed in cases that are related to some degree with discrimination against women. Some examples in this context are violations of specific regulations contained in the Labour Code, the Act Promoting the Social Equality of Women, and the Act on Sexual Harassment in the Workplace and in Education.

146. The Ministry of Labour is responsible for monitoring compliance with the regulations in the labour sphere by private enterprise and among public institutions, including the Act on Sexual Harassment in the Workplace and in Education. As mentioned above, this Act requires all public institutions and private companies to implement norm or internal regulations to prevent sexual harassment. This norm has been applied mainly within public institutions, but very rarely in private enterprise.

147. Any woman who feels that she has suffered discrimination based on her gender can present an amparo appeal to the Supreme Court of Justice. Between 1992 and 1997, there were 18 appeals, six of which were successful, eight of which were found to be without merit, and four of which were rejected on technical grounds.

148. Also, any woman who feels that she has been discriminated against, based on her gender, by a public official or State institution, may lodge a complaint with the Office of the Public Commissioner. However, rulings by the Office of the Public Commissioner are not binding, and this limits the effectiveness of its recommendations.

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Legislative measures to amend or repeal laws that discriminate against women

149. The Table below shows the main draft laws submitted to the Legislative Assembly to reform general and special laws discriminating against women. Although it is not possible to predict the outcome of these initiatives, which are aimed at making gender equality and equity effective, they do reflect very significant progress in the identification and recognition of those areas where there continue to be discriminatory interpretations or

omissions. Also, some of these reforms are aimed at strengthening the National Mechanism for the Promotion of Women, as well as other mechanisms necessary to ensure that women really can exercise their basic rights.

Table 10

Subject	*Law/Reform/Draft Law*	*Objective*
Family		
	Procedure No. 12575. Act on Gender Equity in the Family Code.	Reforms Articles 5, 35, 41 and 53.
	Procedure No. 13.084.	Draft Law Streamlining Proceedings for Investigating and Challenging Paternity.
	Gazette No. 199 of 20 October 1995.	Reforms Family Code. Organic Law of National Children's Office (among others).
Work		
	Procedure No. 12576. Act on Gender Equity in the Labour Code.	Reforms Articles 85,87, 88, 90, 104, 106 and 243: eliminating various discriminatory provisions regarding women's work.
	Procedure No. 12073.	Reforms Chapter 7, Title I of the Labour Code.
Education		
	Procedure No. 12088.	Adds to the Costa Rican national curriculum a class entitled "Gender theory and Costa Rican democratic values."
Criminal		
	Procedure No. 12730.	Proposes regulations streamlining, clarifying, and increasing penalties for those having committed sex offences.
	Procedure No. 12354.	Reforms criminal legislation protecting judicial assets and creates sanctions against acts of violence and discrimination.
	Procedure No. 13.081.	Reforms Articles 124a and 195 of the Criminal Code on the classification of Domestic violence.
	Gazette No. 89 of 10 May 1994.	Proposes reforms to Articles 156 and 162 of the Criminal Code, sex offences.
Poverty		
	Procedure No. 12.899.	Care of mothers living in poverty. Expected to receive unanimous approval.
Health		
	Procedure No. 12.291.	Regulates procedures for assisted fertilization and in-vitro fertilization.
Violence		
	Procedure No. 13.094.	Reforms various articles of the Act on Sexual Harassment in the Workplace and in Education.

	Procedure No. 12.709.	Creates Department for the Care and Support of Women Victims of Violence.
	Procedure No. 13.050.	Draft Law creating Special Commissioner on Domestic violence and Offences against Sexual Freedom.
Politics		
	Procedure No. 12.741.	Reforms Articles 5 and 6 of the Act on the Promotion of Social Equality for Women. (Has unanimous approval.)
Credit		
	Procedure No. 13.083.	Adds Article 109a to Act No. 1644, the Organic Law of the National Banking System on the Promotion of Women's Participation in Credit.

Arrangements for legal assistance and imprisonment of women

150. In the capital, San José, there are a number of prison facilities to house convicted men and one for convicted women, called the "Good Shepherd" Women's Penal Facility. In the provinces, there are many centres for men, but women must be transferred to the capital city. The same procedure is used for those women who are suspected of having committed a crime.

151. Women prisoners of minor age are held in a facility separate from that which is used for adult female detainees. This practice is required under Article 139 of the Act on Juvenile Crime. Article 140 of the Act states that if the female minor detainee reaches 18 years of age during her period of internment, she must be transferred to a penal centre for adult women, but held physically and materially separate from them.

152. Since 1993, the Ministry of Justice has had an agreement with the Costa Rican Social Security Fund (CCSS), under which the latter undertakes to provide penal facilities with pharmaceutical and laboratory services, as well as other materials required for gynaecological and dental consultations. In 1994, in order to improve the care provided to women prisoners, the Manual of Operational Standards for Medical Services was introduced. The manual sets out the guidelines for making maximum use of medical services. The gynaecological service operates three days a week, for 8 hours a day.

153. Two types of search may be performed on women prisoners: the superficial (or simple) search, or the thorough search. The first is performed by female security personnel when they believe it to be appropriate or when they have reason to be even slightly suspicious that the woman prisoner may be bringing prohibited objects or substances into the facility. In accordance with Vote No. 4747-95 of 14 September 1994, of the Supreme Court of Justice, the thorough search, or search of bodily cavities, may be performed only under exceptional circumstances, when there is a strong suspicion that the woman prisoner is carrying a weapon, drug, or banned substance of some description inside her body. This type of search may be performed only when an order has been given by a competent authority. The search must be performed by a physician. This provision is founded on the need to safeguard the physical integrity of women prisoners and the security of the institution.

154. Women prisoners, whether suspected of having committed a crime or convicted, do not lose the rights that the law confers upon them as mothers. At the "Good Shepherd" Women's Penal Facility, one of the "residential areas" is reserved for women, whether suspected of having committed a crime or convicted, who are pregnant or become pregnant in prison, or whose child is born during their period of imprisonment, or who have children under the age of three and do not have the external resources with which to house them. Before the child reaches the age of three, the Facility makes the necessary arrangements for the child to leave as soon as he or she has

reached the age limit beyond which he or she may no longer reside at the Facility. The first recourse is to the family resources of the woman prisoner. If no such resources exist, inter-institutional mechanisms are used to place the minor, ensuring the protection of his or her rights (in 1997, seven women were placed in this residential area). It should be noted that because they are imprisoned in the prison located in the capital city, women suspected of having committed a crime or who are convicted, who come from other regions of the country, and who have a family to support, have limited opportunities for contact and relationship with their husbands and children.

155. As far as vocational training is concerned, opportunities for women detainees continue to lie within traditional areas, and to be low in quality. The women also find it very hard to find long-term, paid activities. Furthermore, the State expects the Facility to be overpopulated in the short term, given the rise in female crime, especially among crimes related to drug trafficking. There are currently plans to introduce a policy on prisons that will deal with the problem of women and their particular needs.

Article 3: National, sectoral, and institutional policies to promote equal opportunities

> ***Article 3**: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

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Precedents

156. It was in 1975 that the Costa Rican State and various organizations of civil society began to promote and implement initiatives designed to ensure that its commitment to promote equal opportunities for men and women does become effective. This process was galvanized by the World Conference on Women, which took place the same year, and the declaration by the United Nations of the United Nations Decade for Women. Despite this, between that year and ratification of the Convention, in 1984, the Government incorporated into its plans and actions very few actions aimed at preventing and eliminating discrimination against women. Policies that did include such actions did so in a general fashion, addressing women in their capacities as mothers and heads of family (e.g. maternal and infant health, generating income).

157. In Costa Rica, priority government policies and actions for the different sectors are reflected in the various National Development Plans that each Administration designs and implements during its period in office. It was during the period 1982-1986 that the promotion of policies aimed at the advancement and defence of women's rights was included in the National Development Plan, as part of the sector on Culture. Implementation of these actions within the context of the preparatory process for the Third World Conference on Women, which was to take place in 1985, helped raise people's awareness of the barriers standing in the way of women's access to equal opportunities. It was partly as a result of this process that Costa Rica ratified the Convention, in 1984.

158. This helped create the right environment for the Legislative Assembly to approve, on 20 March 1986, the Act creating the National Centre for Women and the Family (CMF), as an agency to be attached to the Ministry of Culture, Youth, and Sports and an administrative agency of the Women and Family subsector.

159. The National Development Plan 1986-1990 included a strategy to incorporate women within every level of national development, manifested in the Programme on Women's Participation. The national study prepared in order to help define the aforementioned Plan and Programme showed how the social condition of women had

deteriorated. The study highlighted the economic, sociocultural, and political obstacles to equality, and the type of actions that the State should promote in order to guarantee equality between men and women. The sectoral plan sought to change the conditions under which women could enter into all areas of national development and it sought to achieve shared responsibility between men and women, under conditions of equal rights and obligations. It also envisaged actions aimed at influencing cultural patterns tending to foster discrimination against women, as well as women's exclusion and subordination. The plan sought to promote the integration and coordination of programmes aimed at women and the family, with a view to standardizing criteria and improving the use of resources.

160. In March 1988, the Government submitted to the Legislative Assembly the Draft Law for the True Equality of Women. This would ultimately be approved in February 1990 as the Act Promoting the Social Equality of Women. As mentioned earlier in this report, this Act introduces provisions that seek to create conditions for the practical application of equality, as well as to strengthen administration of the National Mechanism for the Promotion of Women (the CMF).

161. Between 1990 and 1994, priority was given to social-policy actions focusing on benefits and compensations, aimed at mitigating the effects of structural-adjustment measures introduced by the Government. Although equal opportunities for men and women were not a priority, efforts were made to promote actions aimed at re- examining sexist content in educational processes and textbooks and at promoting and strengthening the Independent Commissioner for Women created under the Act Promoting the Social Equality of Women.

162. The preparatory process for the World conference on human rights, held in Vienna in 1993, marked the opening of a major debate regarding the recognition of women's rights as human rights and of violence against women as a violation of human rights. Furthermore, the preparatory process for the Fourth World Conference on Women, which was to be held in 1995, called upon various sectors of civil society, the Government, the public sector, and cooperation agencies to assess the progress achieved, the critical problems, and the remaining obstacles to gender equality and equity. Under this process, the CMF began in 1994 to design policies that were strategic in terms of their content (gender equity), their scope (national coverage), and their relationship to national policies.

163. With the approval of the Domestic Violence Act, in March 1996, the functions of the CMF were expanded. Thereafter, the Centre took charge of public policy on violence against women, and became responsible for monitoring compliance with the Convention of Belém do Pará.

Current situation

Government Agency

164. The National Centre for Women and the Family (CMF) is the government agency responsible for initiating, directing, and coordinating public policies for the advancement of women. The Centre was created by Act of the Republic (No. 7026 of 16 April 1986), as an agency attached to the Ministry of Culture, Youth, and Sports, with legal capacity and with its own resources, and functioning as a semi-autonomous, decentralized institution. This status gave the Centre a measure of stability that was very important in terms of ensuring compliance with the commitments made by the State and implementing actions aimed at developing public policies on gender equity. It also guaranteed a minimum level of funding, deriving from the ordinary and extraordinary budgets of the Republic and 0.5 per cent of the income received from the Social Development and Family Benefits Fund. The fact that the CMF was created by Act of the Republic, rather than by Decree or some other lesser regulation, demonstrates the State's concern to ensure that the Centre will always have the stability and funding it requires to function, regardless of changes of Administration.

165. The history of the CMF dates back to 1974, when the Office of Programmes for Women and the Family was created, within the Ministry of Culture, Youth, and Sports, as the agency responsible for organizing events

honouring the International Year of the Woman (1975). The Office was subsequently given a higher status, by Executive Decree. In 1976, the National Centre for Women and the Family was created, by Act of the Republic, as an agency attached to the Ministry of Culture. The effect of this Act was to give the Office both autonomy and a set of clearly defined powers. The Office was not given its own budget, however. In 1979, in an effort to resolve the Office's financial limitations, it was elevated to the rank of Ministerial Department and endowed with a small budget. Finally, the Act of 1986 created the Centre for Women and the Family, as described in the previous paragraph.

166. Article 3 of the CMF Act states that the Centre shall be run by a Governing Council, comprising the Executive Director and six individuals having extensive knowledge and recognized experience in matters related to women and the family. Those six individuals shall be representatives of the Ministries of Health, Education, Labour and Social Security, Justice, and National Planning and Political Economy, as well as the National Children's Office. The Centre shall be headed by the Executive Director, who shall be appointed by the Ministry of Culture, Youth, and Sports, and who must be a graduate in Social Sciences and acknowledged to be well-versed in issues related to women and the family.

167. The Act creating the CMF conferred upon the Centre the mission of protecting the women's rights enshrined in international declarations and Costa Rican legislation; promoting gender equality; coordinating State services aimed at improving the status of women and the family; and monitoring their implementation. The CMF is thus the government agency responsible for implementing the regulations and for designing and giving sustainable form to mechanisms for the prevention and eradication of violence against women, in all its forms.

168. Since 1994, the CMF has been promoting the public policies on gender equity contained in National Plans and Comprehensive Programmes, with a view to implementing both its own objectives and the commitments made by the Costa Rican State at the Fourth World Conference on Women and its Platform for Action. Those plans and programmes are the following:

(a) National Plan for Equal Opportunities between Men and Women (PIOMH);

(b) National Plan for the Care and Prevention of Domestic violence (PLANOVI);

(c) The "Women" component of the National Poverty Plan ("PNCP/Women");

(d) Programme to Coordinate the Ministerial and Sectoral Women's Offices (OMM/OSM);

(e) Programme to Promote Women's Active Citizenship (PROCAM);

(f) Programme on Adolescent Girls;

(g) Programme on Offices for the Active Promotion of Women's Rights;

(h) Programme on Temporary Shelters for Abused Women and their Children;

(i) Institutional Programme for Voluntary Cooperation.

168a. Since 1994, the CMF has also been endowed with a Department of International Relations and Cooperation, which is responsible for representing the Centre abroad and attracting external resources to help promote the implementation of the Centre's activities. Funds attracted through cooperation arrangements have helped finance a significant portion of the Centre's awareness-raising and training programmes in the areas of equal opportunities and domestic violence. Without such funds, it might not have been possible to implement those programmes.

169. As already mentioned, the Centre is a decentralized agency of the Ministry of Culture, Youth, and Sports, with legal capacity and with its own resources. Consequently, it has a certain degree of autonomy in formulating programme and budgetary policies. It can propose legislation through the Executive, call upon various agencies and sectors regarding draft legislation, and lobby the Legislative Assembly. It must be said, however, that due to its present political and administrative status, it has not been able to fulfil, to the fullest possible extent, the mission with which it was entrusted. The CMF Act does endow the Centre with broad, and fairly comprehensive powers for the promotion of gender equality and equity, but the Centre's legal status, as an institution attached to a Ministry, limits its administrative capacities. As a result, the Centre is vulnerable to short-term political expediencies and must obey the political directives of an agency that is not specialized in matters related to gender equity. Moreover, because it is not part of the Cabinet, the Centre has found it hard to take part in decision-making on State policies and to form working relationships with agencies that have greater autonomy, and with which it must implement coordination, monitoring, and evaluation activities.

170. In view of the CMF's limitations, the executive branch submitted to the Legislative Assembly Draft Law No. 12801. Under this draft law, the CMF would be elevated to the status of autonomous institution, in an effort to guarantee the institutional nature of the theme of women and gender equity. This new autonomous political and administrative status would enable the Centre to participate in decision-making at the highest State level. Furthermore, the Centre would enjoy greater autonomy, as the central mechanism for developing and monitoring public policies related to women. The Director of the Centre could then be appointed Minister without portfolio (this is not possible under the Centre's present status). Furthermore, if its new status and its current powers were brought into line, the Centre could hire the specialized staff it requires and set up an administrative apparatus equal to its functions.

171. The draft law calls for the participation of organized civil society, as a counselling body to the Governing Council. This is an innovative proposal within the context of regulations for the decentralized institutions of the State.

Decentralized mechanisms: Ministerial and Sectoral Women's Offices and Institutional Partnerships

172. In May 1994, the Social Council of the Cabinet agreed to promote, through the CMF, the opening and functioning of Ministerial and Sectoral Women's Offices (OMM/OSM) in the public sector (Ministries and decentralized institutions). In 1996, the CMF launched the Programme to Coordinate the OMM/OSM, with a view to coordinating the technical work of those offices and giving them the strength to assume the leadership within their institutions with regard to gender equality and equity. The functions of these entities were strengthened as part of the follow-up to implementation of the National Plan for Equal Opportunities between Men and Women (PIOMH). Only the Ministry of Education's OMM was institutionalized by Executive Decree (No. 23489 of 11 July 1994). Within those institutions where OMM/OSM were not created, Institutional Partnerships were set up, in order to facilitate implementation of the PIOMH.

173. As of the date of this report, there are nine Ministerial Women's Offices, six Sectoral Women's Offices, and 12 Institutional Partnerships, making a total of 25 focal points. These various bodies operate within 75 per cent of Ministries and 50 per cent of autonomous institutions. Before the creation of OMM/OSM, there were only five governmental offices involved in institutional actions for the promotion of women, as well as a number of isolated actions within other State institutions.

174. Under the auspices of the CMF Programme, OMM/OSM staff have received technical training in the effective application of the gender perspective to policies and institutional actions, as well as in their information systems. During the period 1994-1997, 15 training workshops were held for coordinators and support personnel, on a variety of topics, including knowledge and gender, planning with a gender focus, follow-up and evaluation of plans and programmes, and intervention strategies with a gender perspective.

175. In practice, these decentralizing mechanisms have not always been able to perform their assigned tasks effectively. The main obstacles in this regard have been: a) some Offices are reluctant to stop functioning as mere

executive agencies and instead start helping to promote the application of the gender perspective; b) this reluctance limits opportunities for those Offices to legitimize their role as promoters, directors, and evaluators of processes designed to institutionalize that perspective; c) the onerous workload of some coordinators has impaired their ability to accomplish substantive tasks, thereby limiting the growth of the Offices; and d) the limited available capacities.

176. Despite the above obstacles, the fact that the Offices exist at all has made it possible to introduce the theme of equal opportunities into the institutional agenda, and to keep it there. It has also forced institutions to make a greater commitment to gender quality, and the process has now become irreversible, in consequence.

Decentralized mechanisms: Offices for the Active Promotion of Women's Rights

177. The Offices for the Active Promotion of Women's Rights were set up as decentralized entities of the CMF at the cantonal (municipal) level, with the aim of strengthening services for those who have suffered domestic violence.

178. In 1996, the CMF designed and launched the National Plan for the Care and Prevention of Domestic violence (PLANOVI). One of the Plan's main focuses was to open Offices for the Active Promotion of Women's Rights. The aim of that initiative was to decentralize and devolve, to the local level, the services available to women involved in situations of domestic violence. This required the implementation, at the local level, of a comprehensive-care model focused on coordination with and among decentralized public institutions, local government (municipalities), and non-governmental organizations, so that they might take on the task of promoting and protecting women's rights and dealing with cases of domestic violence. The Offices have been set up primarily at the level of the Municipality. In cases where it has not been possible to coordinate the opening of an Office with local government, the initiative has been introduced through other local organizations and institutions.

179. At present, there are seven offices, four of which are located in urban cantons of the Greater Metropolitan District, and the other three in rural cantons. Of the seven, five are municipal, while two function under inter-institutional agreements. The Municipalities have the responsibility of providing the Offices with human, professional, and technical resources, as well as the necessary financial resources.

180. The opening of the Offices was accompanied by efforts to set up or strengthen local networks for the prevention and care of domestic violence, as well as for the dissemination and promotion of women's rights among women, local leaders, organizations of civil society, and the staff of public and private institutions. Efforts are also being made to broaden the network of Offices to the rest of the country, especially within cantons where there is a lack of services in this field. An important part of efforts to strengthen this initiative is to reform the Municipal Code, so that the Women's Offices become part of the functional and organizational structure of the Municipalities.

Main public policies presently being developed to promote equal opportunities

181. As mentioned above, in fulfilment of the functions incumbent upon the National Mechanism for the Promotion of Women (CMF), and in compliance with the commitments made by the Costa Rican State at the Fourth World Conference on Women and in its Plan of Action, the following National Plans and Comprehensive Programmes have been designed and implemented:

182. The National Plan for Equal Opportunities between Men and Women (PIOMH), which includes a range of public policies, of a strategic nature, aimed at promoting gender equality and equity in legislation, the family, education, culture, and the communications media, employment, health, the environment, and decision-making.

183. The PIOMH includes a range of sectoral and ministerial actions, aimed at achieving changes in the conditions for women's participation in the country's development, while also seeking to ensure that such participation take place on equal terms and under equal rights with men. The plan represents an explicit and faithful expression of the actions promoted by the Government between 1996 and 1998. It comprises 192 measures, to be implemented by 35 ministries and public institutions.

184. The Plan has eight focus areas: a) equality before the law; b) strengthening the family as a forum for the generation of equal opportunities between men and women; c) equal opportunities in the educational process and the production of knowledge; d) promotion of an image of equal opportunity within the country's cultural life and in the communications media; e) increasing equality of opportunity in the economic world, and especially the labour market; f) improving the health situation of women and men, from a gender perspective; g) gender and the environment; h) promoting the participation of women in decision-making, with a view to achieving equal opportunities in this area.

185. Each of these focus areas has its own objectives and specific actions per institution, as well as a timetable for institutional follow-up and compliance assessment. Implementation of the plan is evaluated by a committee comprising the Social Council, the Ministry of Planning and Political Economics (MIDEPLAN) and the CMF. The committee submits a weekly report to the Cabinet about the progress achieved under the PIOMH.

186. It is generally thought that one of the plan's major achievements is to have created the need to expand sectoral public policies regarding equal opportunities for women. Evidence of this may be found in the formulation of the Equal Opportunities Plan for the Agriculture and Environment Sectors, as an Addendum to the PIOMH. The aim of this plan is to facilitate women's access to land, technical assistance, credit, and other productive resources. There are also a number of other joint actions under way in this regard, in addition to those envisaged under the PIOMH, coordinated together with the health sector and the culture, education, and labour sectors. Coordination is a method of joint implementation that assumes joint responsibility and inter-institutional cooperation in the implementation and monitoring of results.

187. Among the other major achievements of the PIOMH are:

(a) The design and implementation, in the Education Sector, of three modules and various teaching materials for the training of teachers and for use in the classroom, containing guidelines for the elimination of traditional gender stereotypes and roles.

(b) Creation of the Consultant Committee for Recording Statistics with a Gender Focus (CAREEG), through Executive Decree No. 25761-S of 28 January 1997. This committee comprises the agencies responsible for gathering statistics and conducting research in this area. Its functions include: a) implementing the national policy for the production of national statistics with a gender approach; and b) defining, coordinating, evaluating, and monitoring implementation of the actions necessary to mainstream the gender focus into the various sources of socio-economic statistical data, especially the national census conducted by the Department of Statistics and Census. CAREEG provides training in the application of the gender perspective to statistical records. Various affiliated institutions have begun to introduce gender-disaggregated data into a significant portion of the system and have started to incorporate gender indicators into institutional statistical systems (e.g. the Department of Statistics and Census, the Ministry of Agriculture and Livestock, and the Ministry of Labour and Social Security). This overhaul of statistical-registration tools will ensure that the various national censuses, surveys, and statistical research activities implemented after 1998 will be gender-sensitive. Furthermore, the book "Images of Gender" was revised. This is a compendium of the most important statistical information recorded over the period 1980-1994. The purpose of the revision was to bring it up to date and expand it through the addition of new statistics.

188. Between its creation in 1996 and early 1998, the PIOMH was engaged in an intensive effort to provide technical advice and training to executive institutions, primarily the Institutional Partnerships and OMM/OMS responsible for following up on the actions envisaged under the plan for each institution. Fifteen training workshops were held on the gender focus applied to planning, institutional management and gender in

development, sustainable development and work, with training provided to 1,500 civil servants working for the 35 participating institutions. Also, 256 technical assessments were made – around seven per Institutional Partnership and OSM/OMM – to facilitate implementation of the institutional strategies under their charge.

189. The National Plan for the Care and Prevention of Domestic violence (PLANOVI) envisages a range of actions, coordinated at governmental and non-governmental levels, aimed at increasing the effectiveness of services for the detection, care, and prevention of situations of domestic violence, as well as the underlying sociocultural patterns that produce such situations. The plan's main objective is to set up an inter-institutional and community-based system to implement actions of State and civil society, in order to deal with the violence faced by women and their children within Costa Rican households. The plan is organized into five sectors, or components: Care, Prevention, Detection, Access to Support Services, and Training. A detailed description of the plan may be found in the section of this report related to Article 12 (paragraphs 437-446).

190. The "Women" component of the National Poverty Plan ("PNCP/Women") aims to increase and encourage the creation of new opportunities for women living in poverty, through an intersectoral and inter-institutional approach. The plan's target population comprises women heads of household, pregnant teenagers, and teenage mothers. It has nine key components: a) technical training; b) literacy and education; c) health; d) housing and habitat; e) childcare support; f) renewing the social focus of roles and behaviour patterns among men and women; g) legal advice; h) organization and leadership; i) work and access to productive resources.

191. The aforementioned Plan included implementation of the Comprehensive Training Programme for Poor Women Heads of Household (Executive Decree of 13 November 1995), which was split into three components: a) economic subsidies awarded for a period of six months, with a view to facilitating access to b) life-skills training programmes; and c) technical training aimed at enabling women to secure better employment opportunities. The agencies involved in this Programme include the CMF, the Joint Institute for Social Aid (IMAS), the National Apprenticeship Institute (INA), the Fund for Social Development and Family Allowances (FODESAF), and Caritas Internationalis (ICCC), Costa Rica.

192. The life-skills training component was coordinated and monitored by the CMF, which developed a strategy for intervention together with non-governmental organizations, with a view to ensuring national coverage and incorporating civil society into the programme. Under that strategy, training workshops were provided by 28 non-governmental agencies and one State university (University of Costa Rica). The aim of the life-skills training programme was to increase women's individual and collective strength, focusing on the topics of self-esteem, living without violence, community relationships, organization and leadership, and women's rights. The methodology used was participatory and based on the gender approach. Groups of CMF promoters provided follow-up to the process. After it had finished, they worked together with other social agencies to help channel benefits and services to women. They also organized literacy groups, together with the IMAS, and prepared a sociodemographic profile of women heads of household participating in the project.

193. Between 1996 and 1997, 15,677 women took part in the life-skills training workshops, representing 29 per cent of poor women heads of household, from all over the country. A total of 77 per cent of the women completed the process, sharing discussions, experiences, information, and collective and personal knowledge and actions concerning the defence of their rights.

194. This process brought to light the problems faced by women heads of household and their communities, as well as the need to create and improve regional and local services providing for women's needs. The work performed by the non-governmental organizations participating in the programme went beyond the programme's original objectives. They helped set up support groups to deal with situations of domestic violence, coordinated actions for the benefit of the community, together with various institutions at their regional headquarters; sought ways to set up technical training; improved organization and community participation, and conducted training activities with family members involved.

195. Among the most important achievements of the programme's implementation was to give women the chance to share their experiences and to strengthen their initiatives to organize, to overcome their poverty, and to improve themselves. The programme also enabled women to become thoroughly familiar with their rights and to defend them. It also provided forums within which to exchange and negotiate women's demands with local institutions, while promoting a national debate on the issue of the feminization of poverty.

196. With regard to Comprehensive Programmes, the Programme to Coordinate the Ministerial and Sectoral Women's Offices (OMM/OSM) was set up to evaluate and provide technical assistance to those decentralized agencies. The programme has been discussed in detail above (see paragraphs 172-176). Its main achievements are the following:

(a) Design of processes to raise gender awareness of mid-level managers within public-sector institutions;

(b) Provision of instruction to the agricultural and livestock and natural resources sector, in strategic planning with a gender perspective for sustainable development;

(c) Provision of training to staff at State institutions, concerning recent legislation promoting women's rights and against gender violence; and to those responsible for designing educational materials, concerning the elimination of all content discriminating on the grounds of gender;

(d) Promotion of reforms to institutional regulations aimed at mainstreaming the gender perspective, and redrafting of codes and procedures to guarantee and monitor equal rights between men and women;

(e) Support for the incorporation of women in organizational bodies of the public sector, with a view to overseeing compliance with public policies.

197. The *Programme to Promote Women's Active Citizenship (PROCAM)* was created in 1995 to promote women's participation, on the basis of genuine equality, in political power and decision-making in all areas of society (communities, social organizations, political parties, and public authorities). The strategic actions promoted by PROCAM are: a) enhancing women's leadership skills; b) promoting and encouraging solidarity, dialogue, and consensus among women; c) ensuring that the promotion of greater participation by women in decision-making becomes part of State policy; and d) encouraging changes in sociocultural patterns that will have an impact on women's limited access to decision-making and power. The guiding principles used for these strategies were: the need to work with a pluralist, inclusive approach, based on recognition and respect for the diverse ways of thinking among women; the need to construct the Programme together with women themselves, through dialogue, and by building consensus around its objectives, with a view to ensuring its political sustainability. PROCAM is the only systematic, permanent, State-run initiative of its kind in Latin America.

198. PROCAM has achieved major progress in the following areas:

(a) It has placed on the public agenda the problem of women's restricted access to decision-making (along with other initiatives by the women's movement and by other sectors of society).

Of particular note in this regard are the opinion pieces published in various newspapers and magazines, as well as the public debates held in conjunction with the University of Costa Rica and other organizations of civil society (35 debates in all, attended by around 2,000 people). The debates addressed a range of topics concerning women's political participation and minimum electoral quotas.

(b) In has established affirmative-action mechanisms in national legislation, in order to ensure women's access to political decision-making positions, by introducing minimum quotas for women's participation into the Electoral Code, in 1996. In doing so, it advanced fundamental, solid, and convincing arguments on the legal and political validity of affirmative action in general and, in particular, on minimum participation quotas for women. It was not possible, however, to apply the quotas established in the Electoral Code to "eligible positions" in the

lists for popular-election positions. Nonetheless, a reform of the Act Promoting the Social Equality of Women was introduced into the Legislative Assembly. Under the reform, minimum quotas were established for women's participation in "eligible positions" in the lists for Parliament, municipal governments, and others.

(c) It has succeeded in combining the efforts and wills of various State institutions with the aim of ensuring that effective implementation of women's political rights became part of State policy.

(d) It initiated a campaign to promote women's political rights in the mass communications media, at the national level.

(e) It systematized and disseminated quantitative and qualitative information about women's participation in decision-making positions at State level and within organizations of civil society, as well as about obstacles to their access to decision-making.

(f) During the period 1995 to 1998, political education and training was provided for women leaders of political parties and social organizations, and political parties were given assistance in adopting the gender approach in its programme regulations and platforms. The training model used was innovative for Costa Rica. Designed by an international consultant, it uses leadership workshops and public presentations as a way to strengthen women's abilities, skills, and practical abilities to become leaders. Eight workshops were held. They were attended by 335 women, and addressed the themes of "Leadership and empowerment for political action," "Public presentation," "Leadership and policies based on a gender approach," and "Gender identity and leadership."

Also, counselling was provided for around 240 women managers and directors of social organizations of eight of the country's communities, in the development of strategies to strengthen women's capacity to take the lead in decision-making. It should be noted that some of these women were elected as municipal officers at the elections of February 1998.

(g) Lastly, the programme provided forums in which women from various sectors were able to meet and seek consensus, as a resource for improving their leadership abilities and their capacity to influence political and public life.

199. The *Programme on Adolescent Girls* was launched in 1996, with the aim of guaranteeing the crosscutting nature of actions aimed at that population group within each of the national plans promoted by the CMF, as well as to focus work with adolescents on areas not covered by those plans. The Programme promotes direct coordination with governmental and non-governmental institutions which, due to the nature of their work, have a direct influence on the overall health, education, employment training, legal protection, and organization of adolescents. In doing so, it seeks to create the right conditions for enhancing their overall development within a context of equal opportunities and equal rights.

200. Among the programme's main focuses is the campaign for the prevention, punishment, and eradication of the sexual harassment of adolescents. This campaign included actions to publicize the campaign in the communications media, the mass distribution of an information brochure, and the provision of information and direct training actions, aimed at 121 counsellors in secondary schools, 220 teachers and administrative staff of secondary education centres, 623 adolescent students from secondary schools, and 113 university students. The campaign provided the relevant students and education centres with the requisite input, resources, and strengths, in the form of information, education, and training for the prevention, reporting, and punishment of sexual harassment as a form of sexual violence that offends against personal development and human rights.

201. Another notable achievement was the national survey entitled "Sexual harassment among adolescent school students," which was conducted at public, private, semi-official, and technical colleges around the country. The survey revealed how often sexual harassment occurred within that environment, the perceptions and ideas of

adolescents on the subject, and how much was known about the Act on Sexual Harassment in the Workplace and in Education and about the reporting procedures and the institutions that exist to prevent and deal with the problem.

202. Also worthy of note was the research conducted in four rural communities on the problem of teenage pregnancies. The four communities in question were chosen because of their level of poverty. The goal of the research was to gather input that would help define a policy on teenage mothers living in poverty, and also to provide the foundation for a subsequent national survey, to be conducted among adolescent men and women, on sexuality and pregnancy. The national survey would focus in particular on issues such as the creation of gender identities and respondents' thoughts on early pregnancy, adolescent sexuality, and so forth.

203. The *Programme on Offices for the Active Promotion of Women's Rights*, which intends to open offices at the cantonal level to strengthen services for individuals affected by domestic violence, was described in paragraphs 177 to 180, above.

204. The *Programme on Temporary Shelters for Abused Women and their Children* coordinates services for women and children in a situation of extreme crisis, within a context of domestic violence. The first CMF shelter opened in 1993. Since 1995, it has been administered by the Foundation for Promotion, Training, and Alternative Action (PROCAL). It operates outside San José in the province of Cartago. Since 1995, the programme as a whole has been run by the PLANOVI coordination team.

205. Women staying at the shelters participate in a comprehensive programme of services which, as well as providing refuge and a healthy diet, offers, through a community-support network, an initial medical check-up, psychological care for the family, inter-institutional coordination to help place minor children in schools, and legal advice regarding employment and housing issues. All services are completely confidential.

206. Most women who receive care at the shelters have been referred. The average length of stay is two months. The main characteristics of the women given shelter are: they are between 17 and 45 years of age; they have an average of six children between one month and 15 years of age; and they have low income and education levels. From 1995 to 1997, 2,508 people (including women and children) used the shelter services. Over the same period, the number of women given refuge was 938.

207. At the end of 1997, a shelter was under construction in the province of Limón. There were also plans to remodel a facility donated to the CMF for use as a shelter in the province of Puntarenas.

208. The *Institutional Programme for Voluntary Cooperation* was set up in mid-1996 with a view to involving civil society actively in the CMF's various initiatives. An assessment was made of the institution's requirement for voluntary support, and public and private universities were also involved through the Faculties and Schools of Law, Education, Nursing, and Social Sciences. There was also significant involvement on the part of Senior Programmes (aimed at the over-55 population) and legal advisers from the University of Costa Rica.

209. A total of 150 people were recruited, from various disciplines and professions, for periods of one to six months. They were trained to support the legal and psychological services of the Offices for the Active Promotion of Women's Rights, the daily help line "Break the silence" 800 300 3000 (from September 1997 onward), and the Cartago temporary shelter (handling materials and funds to address the most urgent needs).

Article 4: Temporary special measures aimed at accelerating equality between men and women

Article 4: 1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards;these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

1. **Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.**

210. In accordance with the Convention, the first affirmative measures were contained in the Act Promoting the Social Equality of Women, which established the first legal standards and measures aimed at accelerating the equality of women.

211. Articles 5 and 6 of the Act state that political parties must set up effective mechanisms to guarantee the participation of women in political parties' internal processes, in governing bodies, and on electoral lists, as well as the allocation of 30 per cent of funds assigned to political parties for the political training of women.

212. There are also affirmative-action measures in the Electoral Code. The measures were introduced in 1996, with the aim of ensuring women's access to decision-making positions, both within political parties and within the electoral system. In view of the fact that the quotas set out in the Code do not apply to "eligible positions," in the electoral lists, there is currently a legislative majority in favour of modifying Articles 5 and 6 of the above Act (Procedure No. 12741).

213. The proposed reform would guarantee 40 per cent participation by women in the party structure, especially in senior political bodies, as representatives at all levels, and in eligible positions within electoral lists. It would also provide that political parties not complying with the quota may not register on the electoral lists, and that political parties must implement regulations stating that a minimum 10 per cent of State support for political campaigns must be set aside for the education and political training of women. It should be noted that some sectors believe that these measures offer women advantages over men. Consequently, it is expected that this proposal will be hotly debated.

214. Furthermore, the Act Promoting the Social Equality of Women sets out special regulations to protect women's rights within common-law marriages, through the registration of all real estate allocated to women under social-development programmes (a measure that acknowledges the disadvantaged position of common-law wives). This measure was regarded as partially unconstitutional, however, given that, within the common-law relationship, assets must be registered in both names (Constitutional Chamber, Vote No. 0346-94). Despite this, the amended regulation represents progress toward the recognition of women's equal rights within the common-law marriage.

215. In 1996, the Act on Equal Opportunities for Persons with Disabilities (No. 7600) was approved. This Act sets out a range of measures aimed at guaranteeing appropriate access of this population group to education, work, health, employment training, a physical space, information and communication, culture, sport, and recreation. Although the Act does not set out special measures for women, it does set out the legal and material

foundations for the adoption of measures needed to ensure equal opportunities for, and non-discrimination against, persons with disabilities, including women.

216. On 19 December 1997, the General Act for the Protection of Teenage Mothers was passed. This Act sets out special measures for the comprehensive care of single adolescent women who are pregnant or who have at least one child. It also defines special measures to guarantee their access to comprehensive health-care programmes.

217. The Costa Rican State is aware of the need to implement progressive measures aimed at promoting policies favouring economic incentives and special support mechanisms to broaden women's access to technical education in non-traditional areas; incentive systems for businesses in non-traditional fields complying with quotas for hiring women in technical disciplines; systems for the preferential treatment of women with disabilities, aimed at encouraging their access to technical and university training; and positive measures designed to facilitate women's access to credit for micro, small, and medium-size businesses.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

218. Article 95 of the Labour Code regulates the right of pregnant workers to receive paid maternity leave. This article was the object of various reforms following ratification of the Convention. Act No. 7028 of March 1986 increased the leave period from two to three months after the birth. The Act Promoting the Social Equality of Women extended that right to working women adopting a minor, in order to allow mother and child time to adapt to their new situation. The final reform of Article 95 established that the four months not worked by working women due to maternity leave could be included in the calculation of the *aguinaldo*,[11] vacation time, and pension benefits.

219. The aforementioned General Act for the Protection of Teenage Mothers establishes a series of measures for the protection and comprehensive support of maternity.

220. Act No. 7430 Promoting Maternal Lactation (1994) promotes safe and adequate nutrition for breastfeeding mothers through family education, appropriate legislation, policies and actions to support mothers, and the introduction of controls on the marketing of milk substitutes.

Article 5: Elimination of stereotypes

Article 5: *States Parties shall take all appropriate measures:*

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

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[11] The *aguinaldo* is an extra month's salary, or "Christmas bonus," paid to employees at the end of the year.

To modify patterns of conduct of men and women in formal and informal education

221. Within modern Costa Rican society, there is now a greater awareness of inequalities between men and women. Furthermore, women's human rights are recognized by society as a whole. Nevertheless, it is undeniably the case that a number of extremely outmoded ideas and cultural practices do persist, and do continue to stand in the way of women's advancement and the building of relationships generally on the basis of equality and equity. Since the early 1980s, the Costa Rican State has worked consistently to refocus the processes of socialization and the way attitudes are formed within the formal education system and the communications media. The various initiatives implemented have sought to alter sociocultural perceptions that tend to perpetuate the subordination of, and discrimination against women, as well as practices that reinforce gender inequalities.

222. The first initiative of this kind was aimed at revising discriminatory content in textbooks used in the formal-education sector. The Ministry of Education set up a committee to determine the prevalence of images and texts that reproduce and reinforce sexist stereotypes. The result of the committee's efforts was the collection *Hacia la Luz* ("Toward the Light"), which included reading, mathematics, and social studies textbooks. This collection remained in use until the late 1990s, when it was replaced by a new series, entitled *Hacia el Siglo XXI* ("Toward the 21st Century").

223. The Act Promoting the Social Equality of Women includes provisions requiring educational institutions to eliminate educational content, methods, and instruments that assign to men and women roles that are contrary to the principles of social equality and gender complementarity, or that perpetuate the notion of women's inferiority. The Act obliges the State to promote mixed education, the concept of shared responsibility regarding family rights and obligations and national solidarity, and other types of education contributing toward those objectives. It provides that textbooks, education programmes, and teaching methods must espouse the values enshrined in the Act and help eliminate practices that discriminate on the grounds of gender, as well as promote the study of women's participation throughout history.

224. A sustained effort has been made to revise school curricula at the primary and secondary levels, to identify content that promotes sexist stereotypes and find ways to eradicate such content, to encourage curriculum revision within educational programmes, and to improve development of non-sexist educational materials. The CMF has also run various campaigns in the communications media and produced information materials concerning the subject of shared responsibility regarding family rights and obligations. From 1990 onward, those efforts were broadened to include development of curricula and educational training guides on the healthy and responsible expression of sexuality and reforms aimed at improving women's access to technical training.

225. Over recent years, significant efforts have been made to produce a new version of the textbook series entitled *Hacia el Siglo XX*, published in 1992. These textbooks represent a major advance in the use of non-sexist language, as well as gender-sensitive texts and images that encourage new values, more egalitarian and respectful relationships between the sexes, and the rejection of all forms of discrimination. The programme includes measures to make teachers and students more aware of socialization and the roles played by men and women in a society that discriminates according to gender, and more aware of how relationships based on equality and equity may be constructed. As a technical support, three modules were produced, together with methodological guidelines, to help teachers work in the classroom on teaching activities that focus on the development of non-discriminatory gender roles. The first module was entitled "Discovering my gender socialization," the second "Piecing together the puzzle," and the third, "Making progress".

226. Furthermore, the Ministry of Education's People's Education Project promoted the module entitled "Building equal opportunities in education," which comprises various guides for staff and students at different levels of basic general education. These guides, which are used nationwide, focus on non-sexist values and practices that promote non-sexist relationships, whether interpersonal, within the family, at work, or at the social level. They use a novel method, which takes children's earliest everyday relationships as the departure point for exploring situations related to concepts and behaviours that promote respect for differences and diversity, the expression of feelings and emotions, equality and equity in relationships, solidarity, and organization.

227. Successful change cannot occur if training is not provided to the staff responsible for designing, implementing, and monitoring curricula, producing and using textbooks and other teaching materials, and delivering support services to the student population. The State has therefore taken various measures in this regard.

228. Of particular note in this context are the measures taken by the CMF, mainly through implementation of the PIOMH and the OMM/OSM programme. The CMF has taken steps to increase gender awareness among staff at education faculties and other academic departments of public universities responsible for training professionals in various disciplines; those responsible for designing curricula and teaching materials within the primary and secondary education sectors and in technical education (Ministry of Education and National Apprenticeship Institute); Ministry of Education staff working in training programmes for adult women; staff of the Ministry of Labour and Social Security (Departments of Employment, Inspections and Labour Relations, and Social Security); professional and technical staff attached to the Ministry of Health and the Costa Rican Social Security Fund (in order to mainstream the gender perspective into the comprehensive health-care model); and staff attached to rural development programmes (Ministry of Agriculture and Livestock, Ministry of Environment and Energy, Institute for Agricultural Development and National Production Board). (See paragraphs 174 and 188.)

Images of women used for commercial purposes

229. Costa Rica's Act No. 5811 on the Control of Advertising empowers the Interior Ministry's Advertising Standards Office to order the immediate suspension of commercial advertising that offends against the modesty and dignity of the family and uses images of women immodestly with a view to promoting sales. It is the role of the Interior Ministry to monitor application of the Act. Until 1993, the tendency was to impose punishments whenever female nudity was used in commercial advertising. Over the past four years, the criteria have been broadened to include the use of stereotypical images either portraying women as submissive or denigrating domestic work. Legal coverage has been broadened by the effects of international treaties and other national laws related to women's rights. The Office of the Public Commissioner has insisted on the necessity to end the exploitation of images of women, empowering the Advertising Standards Office to ban "publicity using photographs or television pictures, whether in the press, on television, on posters or billboards, such as those shown in commercials..." (Procedure No. 536-01-95).

230. Despite the said legislation, images of women continue to be used for advertising and for the sale of consumer goods produced by large and medium-size companies. In many cases, advertising companies use subliminal content that reinforces sexist stereotypes regarding men's superiority and women's inferiority and subordination. The Act does not regulate this type of advertising, much of which has achieved a high level of sophistication. Furthermore, the budget assigned to the Advertising Standards Office is limited and inadequate for the Office's monitoring function. The Costa Rican State is aware that it must strengthen control of advertising with respect to images of women.

Restrictions or limitations on equality imposed by law or custom

231. There is no legal provision designating the man as "head of household". However, there continues to be a tradition of regarding the man as the representative of the family, even when the woman earns a higher income or exercises authority. Despite the reforms introduced, censuses and national surveys, as well as other instruments used by public and private institutions to record population data, tend to strengthen the notion that the head of household must be a man. As a result of this reluctance to acknowledge women as heads of household, it has been hard for women to gain access to economic and social development programmes.

232. In Costa Rica, there are no legal standards restricting a woman's right to choose a career, profession, or trade. Patterns of technical or professional career choices do, however, indicate that gender-based segregation continues to prevail. In technical and professional colleges, for example, 80 per cent of women still tend to opt for careers in the service sector – mostly as bookkeepers and secretaries. Men, on the other hand, choose careers in

agriculture and industry, which have greater added value in the labour market. A similar phenomenon may be observed in quasi-university and university institutions – for example, women account for 85 per cent of social-work, nursing, and education careers (Delgadillo, 1996; CEGESDI, 1997). Note that, over recent years, changes have been observed in some disciplines, such as law and medicine, where around 50 per cent of students are women. The labour market as a whole does, however, continue to be marked by gender-based segregation. Very few professional women in these areas occupy decision-making positions.

233. Outmoded cultural practices help to perpetuate gender-based segregation in the workplace. The female workforce is hired mainly for "female" jobs linked to the exercise of their gender roles. In 1992, for example, 70 per cent of the female workforce worked in service-sector jobs, while 40.6 per cent of men did so. Within industry, women are hired to work in industries such as textiles, dressmaking, food, and electronics (mainly as manual workers), while men work in heavy industry. Labour discrimination also continues in some areas and activities. For example, women's access to supervisory or management jobs is limited, and certain jobs impose working conditions that interfere with the ability to perform a double working day, and this affects women heads of household primarily.

234. The Family Code (Article 143 and 151) recognizes that the father and mother enjoy equal rights and obligations in the exercise of authority and the education of the children. Nevertheless, the mother is still traditionally given the responsibility of bringing up and educating the children. Over recent years, changes have been observed among younger, better-educated generations, with men playing a greater role in child-rearing and education. Note that, in cases of divorce, women are given custody of the children 90 per cent of the time.

Actions to modify patterns of violent conduct toward women

235. In 1994, a survey was conducted, at the instigation of the CMF, looking at the relationship between the country's needs in terms of domestic-violence services and the State services available. The survey found that although there were a considerable number of institutions that by law should intervene in this area, only very few were actually doing so. Moreover, those who were intervening lacked a gender-sensitive vision. The study was used as the basis for the National Plan for the Care and Prevention of Domestic violence (PLANOVI), with the aim of providing: a) early-detection services; b) services for victims and aggressors; c) prevention services; and d) integration into society of those affected by violence. The PLANOVI has helped spread awareness of significant legal instruments for the protection of persons affected by violence, including domestic violence. An example in this context were the various phases of the campaign "For a life without violence," which was conducted throughout the country (see paragraphs 129-132 and 436-445).

236. The CMF has promoted various informational and educational initiatives on the subject of women's rights. Since the mid-1980s, the Centre has been producing educational pamphlets and posters on women's rights, gender stereotypes, and the democratization of gender roles in the family and other social contexts. Between 1994 and 1998, the Centre produced a collection of educational modules to steer the educational process in the non-formal sector on the theme of women's human rights, as well as a campaign on the rights of teenage mothers. It also provided training on this and other themes, at the national level, to 19,735 people (88.7 per cent women and 11.3 per cent men).

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

237. In addition to the actions described in paragraphs 221-228, the Ministry of Education has, since the early 1990s, undertaken regular revisions of the curriculum for the subject "Education of the family and society," with the aim of eliminating stereotypes that reinforce the subordination of women and discriminatory and violent practices against them within the family.

238. The People's Education Project of the Ministry of Education promotes the shared responsibility of men and women for bringing up the children and for guiding and educating the children, as well as solidarity and recognition of the roles that should be played by each family member. As mentioned above, the module "Building equal opportunities in education" emphasizes non-sexist values and practices which promote non-discriminatory family relationships and responsible fatherhood.

239. The CMF and a number of non-governmental organizations have, at various times, conducted campaigns designed to make people more aware of the social function of maternity and of responsible paternity. Similar actions have also been implemented under the PIOMH and the Programme on Adolescent Girls.

Article 6: Prostitution

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The legality of prostitution by women

240. Prostitution is not legally punished in Costa Rica. Criminal legislation does not explicitly criminalize prostitution. Thus, there is no clear definition of "prostitution," although, in practice, it is understood to mean the sale of sexual favours in exchange for money.

241. Indirectly, both the Criminal Code (Articles 130 and 262) and the General Health Act (Articles 11, 37, 38 and 148) recognize the practice of prostitution, requiring that those who practice prostitution periodically submit to medical examinations and carry a health card indicating that they are not carriers of contagious diseases. If they do not submit to these measures, they face sanctions. The law does provide criminal sanctions for "pimping," which is defined as an individual's being kept, even partially, by a person who engages in the prostitution and trafficking of women (Articles 171 and 172 of the Criminal Code).

242. There are no reliable, accurate data regarding the number of women in the country engaged in prostitution. It is estimated that there are around 3,000 women prostitutes in the Metropolitan District of San José, aged between 18 and 45 (representing 0.02 per cent of all women in this age group). It is estimated that 1 per cent of all women sex workers are HIV positive. Ministry of Health data indicate that between October and December 1997, 776 epidemiological consultations were carried out among this population group. These records do not, however, constitute an exact record of the female population engaged in this activity, since they concern only those women who live in the four provinces making up the Central Valley. Although such consultations are available to women from other parts of the country, most do not use it, because they would have to travel to the capital, San José.

243. Women prostitutes are not confined to any particular areas of the country. This practice was eradicated in the 19th century. Nevertheless, women prostitutes do tend to live in certain areas of the Metropolitan District of San José, port cities, and the south of the country.

244. Although prostitution is not illegal, the police do sometimes practice arbitrary detention of men and women who engage in prostitution, charging them with minor crimes (infractions), as offences against morality or good customs, "night walking," or public scandal. Women are particularly vulnerable to sexual violence and economic blackmail by the police and pimps, since they can be threatened, deprived of their health cards, or arrested for infractions.

Actions to protect the rights of prostitutes

245. The new policies adopted by the Ministry of Health have altered the focus of work done by the National AIDS Office and the Department for the Control of AIDS and Sexually Transmitted Diseases (which is responsible for providing services to sex workers in the Metropolitan District, designed to safeguard their health). Together, the two agencies have introduced a new approach to the problem of prostitution by adults and minors. This new approach includes efforts to improve the care of women and the delivery of medical services; the creation of an abuse-reporting service; distribution of contraceptives; and administration of training workshops on subjects such as prevention of sexually transmitted diseases and HIV, the sex trade, identity and self-esteem, human sexuality and gender, and violence against women. The core of this approach is the recognition that the women involved are adults. Consequently, the goal is not to convince them to give up their trade. This differs from the approach used with minors. It is geared far more toward providing the women with resources and teaching them how to defend their rights and carry out their profession in safety.

246. During the 1980s, the goal of State programmes was to train women prostitutes to take up other employment. This approach was not successful, however, because it did not address the issue of why women turned to prostitution and why they chose to remain in the profession. More recently, the experience of non-governmental organizations such as the Foundation for Promotion, Training, and Alternative Action (PROCAL) and the Latin American and Caribbean Institute for Economic and Social Planning (ILPES), with minors at social risk and adult women, has demonstrated that prevention must begin with young girls, teenagers, and youths who are exposed to domestic violence (e.g. aggression, sexual abuse, and forced child labour). These non-governmental organizations offer alternative services to prevent these women from taking to the streets: open shelters, gender-sensitive psychosocial and legal services, alternative education, vocational training, and pregnancy-prevention services (pregnancy and maternity make women prostitutes more vulnerable to exploitation).

247. Experience of working with women prostitutes has demonstrated the need for the State to provide police training programmes aimed at preventing abuses and violations of the women's human rights, as well as to promote legislation able to protect prostitutes from exploitation and sexual violence.

Child prostitution

248. Section III of the Criminal Code, entitled "Sex Offences," defines categories and punishments for the offences of corruption, procuring, and pimping. The word *corruption* is understood to refer to corruption of a minor under 16 years of age, through perverse, premature, or excessive sex acts, even if the victim gives consent.

249. The law also provides for special situations, which it classifies as "aggravated corruption." This classification applies whenever the victim is under 12, there is a family relationship involved, there is intent to make a profit, or coercive measures, such as violence, threats, abuse of authority, or intimidation, are used.

250. Penalties for the aforementioned offences range from three to 10 years in prison.

251. According to studies conducted by the National Children's Office (PANI), around 200 minors between 12 and 18 years of age are engaged in prostitution in the Metropolitan District of San José. A study conducted by Treguear and Carro (1997) on child prostitution revealed the close relationship between the break-up of the family and the first steps into prostitution. Of the 50 teenage girls interviewed, around 50 per cent had been abused by their father or stepfather and 30 per cent by other family members, police officers, or unknown individuals. Only 20 per cent said they had never suffered any kind of abuse.

252. During 1997, the Permanent Working Commission on the Commercial Sexual Exploitation of Minors under Eighteen was set up. The Commission is responsible for matters related to the prostitution of minors. It is made

up of CMF, PANI and non-governmental organizations working in this area, such as PROCAL and the Paniamor Foundation.

253. PANI recently opened an office in the capital, San José, which is the focal point of child prostitution, with a view to encouraging the young women sex workers who offer their services in the surrounding area to join a project run by PANI, in coordination with institutions such as the National Apprenticeship Institute and the Ministry of Education. The project provides the young women with opportunities for training, education, and literacy.

254. Together with the International Labour Organization (ILO), Costa Rica is exploring ways to broaden opportunities for the education of young people in various fields and their subsequent integration into private enterprise. The aim is to provide alternatives that will help them to move away from prostitution.

255. There are also shelters, run by PANI and non-governmental organizations, which give young women a reliable place to stay, especially in the case of young girls who, due to situations of domestic violence, cannot live with their parents. Emphasis has been placed on the need to increase the technical skills of human resources, and to offer comprehensive care based on the gender perspective. Within the context of this project, CMF, PANI, and the Ministry of Justice are working on a draft law that sanctions networks involved in this type of prostitution, such as taxi drivers, hotel owners, and some members of the police force.

256. Since 1994, ILPES has run the programme "Women in prostitution" which offers adult women who engage in prostitution interdisciplinary services in areas such as psychology, general medicine, dentistry, and the law. On the basis of this experience, and in view of the increase in child prostitution, the project *La Salita* ("A way out"), which offers minors the chance to access the same services, education, and other resources.

257. The CMF has also tabled a number of motions on sex offences to the Criminal Affairs Committee of the Legislative Assembly, with a view to incorporating these offences into the draft reform of the Criminal Code. The motions would amend the offences related to paid sexual relations with minors and against sexual freedom. It should be noted that there is a subcommittee made up of various State and non-governmental institutions, which is charged with reviewing existing regulations to identify omissions in the law, especially with regard to laws that provide sanctions for those who promote or profit from this trade.

Procuring

258. Like procuring, the trafficking of women and minors is provided for in the current Criminal Code. According to information supplied by the Planning Department of the Judiciary, four related legal cases were brought in 1996.

259. "Procuring" is legally defined as encouraging or aiding persons of either sex, with the intention of prostituting them and profiting from their work. The offence is defined as "aggravated" if the person is a minor. The sanctions provided range from 2 to 10 years in prison.

260. The Criminal Code also provides sanctions for the offence known as "trafficking of women and minors." This offence is defined as aiding or encouraging women or minors to leave the country, with the aim of prostituting them. The sanctions provided range from 5 to 10 years in prison.

261. Among the priorities of the aforementioned Permanent Working Commission on the Commercial Sexual Exploitation of Minors under Eighteen is to study the existing legislation on the trafficking and sexual exploitation of minors, as well as policies in this context, in order to identify any omissions in law and public policy.

Article 7: Participation in political and public life

Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

The right to political participation and the right to vote

262. The women of Costa Rica had been involved in various areas of political life before winning the right to vote, as members of community organizations and social and political movements that played a significant role during the construction of democracy and during the Civil War of 1948. The right of women to vote and be elected was acquired in 1949, following a broad struggle by suffragettes.

263. Article 90 of the Constitution states: "Citizenship is the aggregate of political rights and duties which pertain to Costa Ricans of either sex, over eighteen years of age." This constitutional article recognizes the right of men and women to elect, be elected, and fulfil public functions. The only prerequisites for making this right effective are one's age, and the fact that one is a Costa Rican citizen either by birth or by naturalization, having obtained the necessary papers at least 12 months previously.

264. Official voting lists for the past two decades indicate that fewer women than men have registered to vote. Until the elections of 1990, more women than men abstained from voting, although this trend was falling, as Table 11 illustrates. After 1994, the trend changed, with more women than men registering to vote and fewer women than men abstaining. At the 1994 elections, 81.8 per cent of women voters cast a vote, compared with 80.4 per cent of registered male voters. The same year, 18.2 per cent of registered women voters abstained, compared with 19.6 per cent of registered male voters. At the elections of February 1998, abstentions totalled 30.01 per cent, representing a 75 per cent jump over the previous elections, and substantially reversing the prevailing downward trend. Sex-disaggregated data are not yet available.

Table 11

Costa Rica: abstentions, by gender, 1982-1994

	Both sexes		*Men*		*Women*	
Year	*Total registered*	*% abstentions*	*Total registered*	*% abstentions*	*Total registered*	*% abstentions*
1982	1,261,127	21.4	618,576	22.9	642,551	19.9
1986	1,486,474	18.2	737,321	19.2	749,153	17.2
1990	1,692,050	18.2	843,322	18.8	848,728	17.6
1994	1,881,348	18.9	939,943	18.2	941,405	19.6

Source: Supreme Electoral Court. *Elections in figures: voting statistics.* San José, Costa Rica. 1995; Institute for Women's Studies, Spain, and Latin American Faculty of Social Sciences (FLACSO). *Latin American women in figures: Costa Rica.* Santiago, Chile. 1993.

The right to be eligible for election

265. The Constitution and the Electoral Code establish the same legal requirements for men and women in terms of their ability to occupy decision-making positions and participate in all agencies and positions within public and political life. There is, however, a major discrepancy between the legal situation and reality.

266. Data about the participation of women in political parties is limited and incomplete, due to serious problems with registration of data, according to information provided by the parties themselves. Reports by the parties indicate that around 45 per cent of their membership is female, and that women's participation has increased over the past decade. Within political parties, women tend to be very active in subordinate positions that correspond to traditional gender roles. They typically perform functions such as basic vote-gathering and fundraising activities, preparing food on election day, organizing children and teenagers to provide information for voters, and acting as polling-booth officials.

267. Despite the number and the intense nature of the tasks, few women have been appointed to decision-making positions or positions of power within party structures. This is a product and a reflection of gender structures that still prevail in Costa Rican society, which are based on the separation of public and private spheres and the roles to be played by each gender in each: the public sphere is for men, while the private is assigned to women. When women do participate in areas regarded as "public," it tends to be within subordinate positions or activities, not in decision-making positions. Politics continues to be regarded as a male domain.

268. There is little up-to-date, reliable information about membership of governing bodies within political parties, especially the newer and smaller parties. We must therefore refer to the data provided by the two majority parties, the *Partido Unidad Social Cristiana* (PUSC) and the *Partido Liberación Nacional* (PLN). Based on the data available for the periods 1990-1994 and 1997-2001, we may conclude that women have been more active in deliberative bodies, such as the plenary assembly, than in executive bodies, such as the political board. This trend is common in other decision-making areas, as we shall see below. Table 12 shows the situation in 1990.

Table 12

Costa Rica: Women holding senior positions in majority parties, 1990

	Plenary Assembly			*Board*		
Party	*Men and women*	*Women*	*Men*	*Men and women*	*Women*	*Men*
Unidad Social Cristiana (PUSC)	170	33	19.4	17	1	5.9
Liberación Nacional (PLN)	150	45	30.0	25	3	12.0

Source: Institute for Women's Studies, Spain, and Latin American Faculty of Social Sciences (FLACSO). *Latin American women in figures: Costa Rica*. Santiago, Chile. 1993.

269. In 1997, all political parties introduced reforms to their statutes, to bring them into line with the aforementioned reform of the Electoral Code, approved in 1996. The reform established the obligation for political parties to include in their statutes mechanisms guaranteeing 40 per cent participation by women in the party structure. However, political parties have interpreted this to mean that the party structure includes only those bodies that, under the Electoral Code, include the organization of the party (the district, cantonal, provincial, and national). This interpretation excludes from the application of quotas party bodies that take fundamental decisions (the Executive Committee, for example).

270. As part of the reform of the Electoral Code, changes were made to the composition of some party bodies, with the Plenary Assembly being replaced by a National Assembly and an Executive Committee being added. If we compare the data in Tables 12 and 13, we see an increase, from one period to the other, in women's access to party decision-making bodies within the *Partido Unidad Social Cristiana*. This is not the case, however, with the *Partido Liberación Nacional*. This trend results from the application of affirmative-action measures (quotas) by the PUSC, at the last elections. The quotas are applicable to all decision-making bodies. It should be noted, however, that these measures were the result of an agreement by the National Assembly, not the result of a reform of party statutes. This demonstrates the need to include in electoral laws a minimum quota for participation by women in all decision-making bodies.

Table 13

Costa Rica: Women holding senior positions in majority parties, 1997

	National Assembly			*Executive Committee*		
Party	*Men and women*	*Women*	*Women (%/total)*	*Men and women*	*Women*	*Women (%/total)*
Unidad Social Cristiana (PUSC)	70	28	40.00	93	23	24.73
Liberación Nacional (PLN)	70	10	14.28	20	5	25.00

271. According to research conducted nationally, the main obstacles facing women in terms of exercising their political participation and accessing positions of power within the political parties are: sexist socialization policies, prejudices on the part of both men and women with regard to women's participation in decision-making bodies, and the lack of time available to women, due to the double working day, the belief that women do not have decision-making abilities, the lack of interest in women's ideas and arguments, their exclusion from informal decision-making bodies, and the misinformation surrounding women (Camacho, Lara and Serrano, 1996).

272. Furthermore, it continues to be difficult to access publicly elected positions. The practice of political parties has been to place women on the lists of candidates for the Legislative Assembly and the municipalities, for non-elective posts. They have also tended to include few women on those lists, and this tends to limit even further their opportunities to accede to those positions.

273. As Table 14 shows, women's participation in the Legislative Assembly has increased slightly, particularly since 1990, even if their overall participation has continued to be small, if one takes into account the fact that women increased their participation in parties' internal processes, with the aim of gaining access to publicly elected positions. Within the context of PROCAM, the CMF therefore promoted the insertion of the aforementioned standards and affirmative-action measures into the Electoral Code.

Table 14

Costa Rica: Women's participation in the Legislative Assembly (1958-2002)

Period	*Total Deputies (absolute)*	*Total women Deputies*	*Women (%)*
1953-1958	45	3	6.7
1958-1962	45	2	4.4
1962-1966	57	1	1.8
1966-1970	57	3	5.3
1970-1974	57	4	7.0
1974-1978	57	4	7.0
1978-1982	57	5	8.8
1982-1986	57	4	7.0
1986-1990	57	7	12.3
1990-1994	57	7	12.3
1994-1998	57	9	15.8
1998-2002	57	11	19.3

Source: Moreno, Elsa. *Mujeres y política en Costa Rica* ("Women and Politics in Costa Rica"). San José, Costa Rica, FLACSO, 1995; Supreme Electoral Court. Electoral records. 1998.

274. In local governments or municipalities, the proportion of women varies depending on the position they occupy. Women's access to the post of Municipal Executive (equivalent to Mayoress) has been very limited. There are two positions on local deliberative bodies – councillor and trustee – in which women's participation has been increasing, although it remains limited. It is to substitute positions that women have gained the greatest access. In the elections of 1998, a number of significant changes have been made as a result of application of the quota system.

Table 15

Costa Rica: participation in municipalities, by gender and position (1982-1984)

	1982		*1986*		*1990*		*1994*	
	Women	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*
Councillor								
Full	5.50	94.50	5.10	94.90	12.00	88.00	18.03	81.96
Deputy	14.00	86.00	18.20	81.80	15.90	84.10	22.52	77.47
Trustee								
Full	8.30	91.70	8.30	91.70	12.10	87.90	18.22	81.77
Deputy	9.20	90.80	13.00	87.00	14.90	85.10	24.25	75.74
Total	8.90	91.10	11.20	87.80	13.70	86.30	20.75	76.73

Source: Moreno, Elsa. *Mujeres y política en Costa Rica* ("Women and Politics in Costa Rica"). San José, Costa Rica, FLACSO. 1995.

275. Although reform of the Electoral Code established parties' obligation to appoint women to 40 per cent of posts on lists for the Legislative Assembly and the municipalities, the political parties did not manage to comply with the regulation in 40 per cent of ballot tickets, even if there was no requirement to place women candidates in

eligible posts. The parties argued before the Supreme Electoral Court that there were not enough women ready to participate. The Court accepted the arguments of the political parties without investigation, despite protests and an appeal brought by the organization of civil society "Women's Political Agenda," and the judgement in favour of the CMF. Despite that limitation, the number of women elected as full councillors and trustees increased significantly. By way of example, women made up 18.03 per cent of councillors in 1994 and 34.33 per cent in 1998.

276. By way of conclusion, although Costa Rican society has succeeded in setting up and strengthening a broad institutional and legal framework for representation and political control, gender inequalities do persist in the area of political participation. This shows the need to expand affirmative-action measures to ensure that women really do participate in decision-making areas and in the definition of local and national policies. It also demonstrates the need to implement effective monitoring and application mechanisms. On behalf of the State, the CMF is promoting a regulation that would guarantee adequate mechanisms for this purpose, as well as actions aimed at strengthening political leadership by women in all areas, direct advisory services for political parties undertaking advocacy on behalf of women leaders, and support for public campaigns aimed at promoting changes in sociocultural patterns influencing women's restricted access to decision-making and political power (for more information, see paragraphs 198 and 199).

277. As one of the corrective measures taken by the State to deal with these inequalities, a draft law has been submitted to the Legislative Assembly with a view to reforming Articles 5 and 6 of the Act Promoting the Social Equality of Women. This draft law seeks to ensure participation of women, both in the party structure and in lists for publicly elected positions within political parties. Like other modern legal instruments, it recognizes the principle of equality and the right to non-discrimination as universal rights and as the cornerstone of any system of laws within a democratic society. It also recognizes equality of political rights – both the right to vote and the right to be eligible for election.[12]

278. The draft law also stipulates that political parties must provide mechanisms that ensure a minimum 40 per cent participation by women in the party structure, especially in political-management and representative bodies at all levels, as well as regulations guaranteeing that at least 40 per cent of listed elective positions on electoral rolls for publicly elected posts are occupied by women. The draft law further sets out that parties' statutes must provide effective mechanisms to ensure that, in the event that any party shall win the election, it will honour the commitment to ensure that women make up 40 per cent of positions at ministries, vice-ministries, major Government offices, boards of State bodies, as well as executive presidencies, boards of directors, administrative bodies, and deputy administrative bodies of the State's decentralized institutions. Any party not in compliance shall not be permitted to submit official electoral lists or participate in elections or in the nomination of officials for government authorities.

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

Right to hold public office and to perform public functions in any position and at any level in public authorities

279. The main obstacles to women's participation in, and access to decision-making positions continue to be mainly sociocultural in nature: the prevalence of the view that politics is a male domain; ideas reaffirming that women are not qualified and do not have the experience to perform successfully at these levels; the double working day and the lack of family support; women's relative lack of experience and skills to plan and organize political campaigns, obtain resources, and gain access to the communications media.

280. Women's participation in the executive branch has always been limited. The Presidency of the Republic has never been held by a woman. It should be stressed that in the elections of February 1998, three minority parties

[12] Majority vote in favour. Social Affairs Committee of the Legislative Assembly. April 1997.

each presented a woman as candidate for the Presidency of the Republic, indicating a change in the political culture of the country. This may be partly due to a growing sense of frustration with male leadership, but it may also reflect a transition in the perception of women.

281. Under the Constitution, the country's two vice-presidents are empowered to act only in the event of the temporary absence of the president. In practice, however, over the last decade, they have been given greater responsibility (e.g. coordination of the economic and social sectors). The last two administrations included a woman second vice-president, reflecting progress with regard to previous periods. Furthermore, between 1994 and 1996, the second vice-president was given responsibility for Economic Affairs.

282. At the 1998 presidential elections, the two majority parties each presented a woman as candidate for both vice-presidencies. This reflects a major historic advance in society's recognition of women's capacity to participate in the government of their country and in its political and electoral processes. The women who were elected and who now occupy these positions earned them through their personal and political qualifications, their political careers, and their management of public affairs.

283. It was in 1958 that a woman was first appointed to a ministry. Access to these positions has been made easier in certain ministries, such as the Ministries of Education; Justice; and Culture, Youth, and Sports. During the last Administration, however, two ministries traditionally led by men were headed by women: the Interior Ministry and the Ministry of Public Security. The period of government that included the most women was that of 1978-1992, when women held four portfolios (a percentage of 13.8 per cent). As shown in Table 16, women's access to Ministries has fluctuated. As of the date of this report, the Cabinet of the present Administration (1998-2002) has four woman ministers, two of whom are the vice-ministers, who also have responsibility for a ministry (Culture, Youth, and Sports, and the Environment, respectively).

Table 16

Costa Rica: participation of women at Ministry level (1958-1998)

Period	*Ministries*	*Women Ministers (absolute figures)*	*Women Ministers (%)*
1958-1962	12	1	8.3
1962-1966	12	0	0.0
1966-1970	12	0	0.0
1970-1974	12	0	0.0
1974-1978	13	1	7.7
1978-1982	13	4	30.8
1982-1986	13	0	0.0
1986-1990	19	1	5.3
1990-1994	20	2	10.0
1994-1996 (June)	20	2	10.0

Source: Moreno, Elsa, *Mujeres y politica en Costa Rica*. ("Women and Politics in Costa Rica"). San José, Costa Rica, FLACSO. 1995.

284. Women's participation in State economic and financial decision-making bodies has always been extremely limited. The Executive Presidency of the country's Central Bank has never been held by a woman, and nor has the post of Minister of the Economy. Women have slightly increased their participation as Executive Presidents within independent institutions. Of a total 14 independent institutions, four Executive Presidencies (28.6 per cent) were held by women during the period 1994-1998.

285. Within provincial administrations, women increased their participation at government level. It is within these authorities that women have tended to record the highest percentage participation, especially during the last two administrations. It should be noted, however, that the positions involved are among the least important, given the limitations of their functions and their limited degree of involvement in decision-making within each province.

Table 17

Costa Rica: participation at government level, by gender, for each administration (1981-1988)

Gender	*1978-1982*	*1982-1986*	*1986-1990*	*1990-1994*	*1994-1998*
Women	1 (12.50)	3 (20.00)	4 (44.40)	5 (71.40)	5 (71.42)
Men	7 (87.50)	12 (80.00)	5 (55.60)	2 (28.60)	2 (28.57)
Total	8 (100.00)	15 (100.00)	9 (100.00)	7 (100.00)	7 (100.00)

Source: CMF (1997).

286. The participation of Costa Rican women in the judiciary is among the highest in Latin America. Of the country's 318 judges, 183 (57.55 per cent) are women. And yet, again we find a stratification similar to that observed in other areas: there are more women serving in lower-level positions (e.g. as mayors) and fewer serving as magistrates and senior judges. The first woman magistrate was appointed in the late 1980s. The Supreme Court of Justice comprises a total of 22 magistrates, of whom only two (9.09 per cent) are women. During the 1990s, there was a slight increase in women's access to the judiciary, but that access continues to be limited.

Table 18

Costa Rica: participation by men and women in judicial posts (July 1997)

Position	*Total*	*Women*		*Men*	
Clerk of the Court	20	12	60.00	8	40.00
Justice of the Peace 1	46	26	57.00	20	43.00
Justice of the Peace 2	32	15	47.00	17	53.00
Justice of the Peace 3	32	17	53.00	15	47.00
Justice of the Peace 4	11	4	36.00	7	64.00
Justice of the Peace 5	2	1	50.00	1	50.00
Criminal Court Judge	1	0	00.00	1	100.00
Examining Magistrate	31	14	45.00	17	55.00
Judge	53	32	60.00	21	40.00
Judge	35	17	49.00	18	51.00
Judge	10	9	90.00	1	10.00
Judge	15	10	67.00	5	33.00
Judge	7	5	71.00	2	29.00

Judge	1	1	100.00	0	00.00
Magistrate	21	2	10.00	19	90.00
Magistrate	1	1	100.00	0	00.00
Subtotal	318	183	58.00	135	42.00
Prosecutor	55	28	51.00	27	49.00
Dep. Prosecutor	5	3	60.00	2	40.00
Prosecuting Judge	24	14	58.00	10	42.00
Subtotal	84	45	54.00	39	46.00
Public defender 1	21	13	62.00	8	38.00
Public defender 2	72	41	57.00	31	43.00
Public defender 3	12	4	33.00	8	67.00
Subtotal	105	58	55.00	47	45.00
Grand total	507	286	66.00	221	44.00

Source: Supreme Court of Justice, Personnel Department. 1997.

287. Within the electoral branch, a woman magistrate was appointed to the Supreme Electoral Court for the first time in 1997. The appointment lasted only for the electoral period, however, so her functions ended when that process was over. The Supreme Electoral Court does employ titular magistrates on a permanent basis, but their numbers are temporarily reinforced during election periods.

288. During election campaigns, the Court depends on a team of volunteer appointees to help monitor party canvassing activities. At the 1998 elections, although many more men than women delegates were appointed to monitor the electoral process, regional administrative positions were almost evenly divided between men and women. This had never previously been the case, indicating major progress in this regard.

Table 19

Costa Rica: delegates of the Supreme Electoral Court (in per cent, 1997)

Position	*Women*	*Men*	*Total*
National Administrators	0.00	100.00	100.00
Delegates	11.71	88.29	100.00
Regional Administrators	42.86	57.14	100.00
Provincial Administrators	14.29	85.71	100.00
Total	13.82	86.18	100.00

Source: Supreme Electoral Court. 1997.

Participation in the formulation and implementation of government policy

289. Through the implementation, over recent years, of the aforementioned national plans and strategic programmes (PIOMH, PLANOVI, "PNCP/Women"), it has been possible to ensure that a number of priority issues be reflected in public policy and coordinate a series of initiatives created by the State and civil society for Costa Rican women, and as a means to promote gender equality and equity. Mechanisms for following up on these policies provide for the participation of, and coordination with non-governmental organizations and various organized women's sectors. This has proven to be an effective mechanism for facilitating participation by the non-governmental sector in certain phases of policy formulation, execution, and monitoring.

290. The Draft Law on the National Institute of Women provided for a woman representative of civil society to be included on the Institute's board, as well as for an advisory board, comprised of non-governmental organizations and public universities, as a way to promote those organizations' participation in decision-making.

291. Women's right to hold public positions is governed by Article 33 of the Constitution and the Act Promoting the Social Equality of Women. With Resolution No. 0716-98 of 6 February 1998, the Supreme Court of Justice ruled that women must be represented on the collegiate bodies appointed by the executive branch (e.g. boards of independent institutions), on the grounds that to rule otherwise would be contrary to the democratic principle of equality, and this would be discriminatory. The above Resolution stipulates that "equal access to public positions means that the Administration must promote the appointment of women on an equal basis with men, and brings the obligation to appoint a significant number of women in political decision-making positions." This Resolution is binding in nature, which may have an effect on the candidates proposed by the executive for positions on independent institutions and appointments to ministerial positions. Application of this standard makes it easier for women to gain access to levels at which institutional policies are formulated and their implementation is monitored.

(c) To participate in non-governmental organizations and associations involved in the public and political life of the country.

292. In Costa Rica, there are around 250 groups, women's organizations, and non-governmental organizations working on issues related to the status of women, equality, and equity. Only 25 per cent of those groups have legal staff. Costa Rican women have a broad tradition of organizing, especially at the local level, but they do so through informal organizations such as community committees and groups. There is no up-to-date record of organizations that work with women. Nevertheless, information contained in various records and studies indicates that around 20 per cent are national organizations; 20 per cent are regional, provincial, or cantonal; and the remaining 60 per cent work at the local or community level (Bolandi, González, and Hidalgo, 1995; GESO, 1996; PRIEG-UCR, 1997).

293. In Costa Rica, civil society can set up various kinds of organizations, and these are all set out under various laws. There is, however, no law stipulating affirmative-action measures or quotas for women's representation on their management or directorial boards. The law regulating the functioning of the various types of organization are:

(a) Associations Act, No. 218 of 8 August 1939;

(b) Act on Community Associations, No. 3859 of 7 April 1967;

(c) Foundations Act, No. 5338 of 28 August 1973;

(d) Act on Cooperative Associations and Related Laws, No. 6756 of 5 May 1982;

(e) Act on Union Associations, No. 6970 of 7 November 1984.

294. The vast majority of these organizations do not keep sex-disaggregated records. The few studies conducted in this area indicate that women make up around 37 per cent of all members. The level of women's membership is highest among community associations, due to the very fact that they are rooted in the community. The second and third-highest levels are found in the unions, and the cooperative associations, respectively. Within cooperative associations, women are found primarily among savings cooperatives and women's self-management groups. This stands in contrast to the active female participation found in other types of group and organization, which are created by women to meet needs deriving from their gender or related to the survival of their families.

Table 20

Costa Rica: men and women in trades unions (in per cent, 1997)

Gender	*Membership*	*Board of Directors*	*General Secretariat*
Women	37.00	23.00	15.00
Men	63.00	77.00	85.00
Total	100.00	100.00	100.00

Source: Araya, Carmen. *Participation by women in social organizations.* CMF. San José, Costa Rica (to be published). 1997.

Table 21

Costa Rica: men and women in community associations

Gender	*Membership*	*Board of Directors*	*General Secretariat*
Women	41.50	24.00	11.40
Men	58.50	76.00	88.60
Total	100.00	100.00	100.00

Source: Araya, Carmen. *Participation by women in social organizations.* CMF. San José, Costa Rica (to be published). 1997.

Table 22

Costa Rica: men and women in cooperative associations (in per cent, 1997)

Gender	*Membership*	*Board of Directors*	*Presidency of Board of Directors*	*Management*
Women	35.80	16.20	8.50	14.60
Men	64.20	83.80	91.50	85.40
Total	100.00	100.00	100.00	100.00

Source: Araya, Carmen. *Participation by women in social organizations.* CMF. San José, Costa Rica (to be published). 1997.

295. As shown in Tables 20, 21, and 22, the participation of women in decision-making structures of formal social organizations is limited. It was from 1990 onward that a gradual increase was seen in access to boards of directors, although in positions related to "feminine" activities, such as secretaries, committee members, or education and social welfare officers. Within the cooperative movement, however, two women were appointed to positions in national decision-making structures.

296. In Costa Rica, there are also a number of non-governmental organizations and regional networks involved in activities on behalf of women. Some specialize in projects focusing on women, while others run special programmes or strategies designed to meet particular needs, in very diverse areas: gender-related complaints, business development, production and credit, education and training, research, women's human rights, pastoral training, reproductive health, violence against women, and ethnic issues.

297. These agencies mostly were legalized under the Associations Act, while some were covered by the Foundations Act. Most are funded through international cooperation and contributions provided by various State institutions for the administration of projects and services.

298. Although there is no formal consultancy body linking State and civil society and, more specifically, linking the CMF and the women's organizations and non-governmental agencies working in this area, various consultancy projects have been implemented. The CMF first sought input from civil society for the purposes of

the Government Report for the Fourth World Conference on Women (1995). Consultation activities were also a feature of preparations for the PIOMH and PLANOVI national plans. Similarly, 28 non-governmental organizations helped implement the Comprehensive Training Programme for Poor Women Heads of Household ("PNCP/Women").

299. The CMF and the various organizations regularly take part in forums, seminars, round tables, and conferences on specific themes, with participants sharing information, studying, and drawing up proposals on public policy, laws and reforms, situational analyses, and strategies. The CMF has held meetings to study and discuss legal reforms of priority concern to the women's movement.

300. The work of non-governmental organizations has become increasingly important to the implementation of public policies on equal opportunities between men and women. Non-governmental organizations coordinate resources, represent very diverse interests, and have made progress in the development of strategies in coordination with women, using the gender perspective, and encouraging women to participate in development programmes, offering specialist technical support and advice, the requisite funding, incentives, and assistance with mobilization and organizational processes.

Article 8: International representation

> ***Article 8:*** *States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

Article 8: States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Diplomatic representation

301. The participation of women in the country's foreign service has been minimal in all respects, although it has been increasing. Preference has always been given to the appointment of men, especially to higher-level positions such as Ambassador and Counsellor. Since the beginning of the 1990s, however, there has been an increase in the number of women Ambassadors and Counsellors.

302. As Table 23 shows, during 1997 and early 1998, women held 56 per cent of counsellor posts and there were twice as many women as men working as career ambassadors or deputy ambassadors. Only 27 per cent of Embassies, however, were headed by a woman. Moreover, only very rarely has a woman headed an Embassy of real significance to Costa Rica's international position. As regards the distribution of jobs and the relationship between rank and gender, women hold most jobs of lower rank in the diplomatic or consular services.

Table 23

Men and women in the Costa Rican foreign service (1998)

Position	*Men*		*Women*	
	Absolute figures	*%*	*Absolute figures*	*%*
Ambassadors (Heads of Mission)	28	80.00	7	20.00
Career or Deputy Ambassador	2	33.00	4	67.00
Head of Special Mission	1	100.00	0	00.00

Ministerial Counsellor	25	44.00	32	56.00
Counsellor	12	40.00	18	60.00
First Secretary	2	18.00	9	82.00
Second Secretary	1	20.00	4	80.00
Third Secretary	0	00.00	1	100.00
Attaché	3	33.00	6	67.00
Consul General	12	69.00	10	31.00
Consul	5	42.00	7	58.00
Vice-consul	1	50.00	1	50.00
Administrative Secretary	1	8.00	11	92.00
Administrative Assistant	0	00.00	1	100.00
Chauffeur	3	100.00	0	00.00

Source: Ministry of Foreign Affairs. Foreign Service Department. March, 1998.

303. Women face a number of obstacles in terms of gaining access to Foreign Service jobs. In Costa Rica, the appointment of male and female ambassadors has more to do with political criteria than with technical criteria. Appointments thus tend to be determined by factors such as the candidate's influence or political support. Consular careers demand fewer political-type skills, and are therefore more accessible to women. Although there are no restrictions regarding women who are married or who have a family, the reality is that a significant number of women who might aspire to join the Foreign Service are limited by family and marital obligations.

304. Since 1997, the Ministry of Foreign Affairs (also known as the Chancellery) has tended to give priority to graduates of the Institute of Diplomatic Studies (which is attached to the same Ministry), as well as to graduates in International Relations. This may help encourage the appointment of women, since around 60 per cent of the graduates are women.

305. Women have traditionally headed official delegations at international events on subjects such as the family, education and culture, and social well-being. Over the last decade, however, major changes have taken place, with women taking part in delegations concerned with economic, environmental, and ecological matters. Moreover, two women have led negotiating teams in the fields of trade and international economics.

306. Issues related to the status of women have not been strongly represented by Costa Rican Missions at multilateral agencies dealing with such issues. As a result, women's issues are not generally treated in a sufficiently appropriate and specialized manner. Indeed, on occasion, the position taken by the diplomatic representation or official delegation has been contrary to that held by the national mechanism responsible for policies on women.

307. In 1995, the CMF began talks with the Ministry of Foreign Affairs to address both this issue and that of women's participation as members of heads of official delegations at public forums on the subject of women. It was from that year onward, and essentially with respect to forums and meetings of the United Nations, that the CMF became a consultant to, and member of such delegations.

308. This indicates the need for domestic and foreign policy that guarantees: a) fluid management of information regarding the country's international commitments in this area; b) appropriate and effective publicizing of related events; c) dissemination, among competent agencies, of official documents of multilateral agencies; and d) the creation of ways to coordinate with the national mechanism and sectoral national agencies with various competencies in the field, with a view to defining a consistent and coordinated position within the country as a whole.

Internal service

309. At the time of writing, no Administration had appointed a woman to the post of Minister or Deputy Minister of Foreign Affairs.

310. Within the Chancellery, there are twice as many women as men. However, these women mostly work among the lower ranks of the diplomatic career structure, generally performing administrative-support positions. Very few are assigned to technical positions offering a chance for career advancement.

Table 24

Chancellery staff by gender and position

	Chancellery's internal service	
Gender	*Absolute*	*Relative*
Women	103	63.19
Men	60	36.81
Total	163	100.00

Source: Ministry of Foreign Affairs, Central Administration. 16 December, 1997.

311. The Costa Rican State is aware that efforts should be made to promote ways to distribute positions in the Chancellery's Foreign and Internal Services, with a view to ensuring a just gender balance. There is also a need to improve mechanisms for administering and monitoring women's issues, both in the Chancellery and at Embassies with competence in this area.

Article 9: Nationality and citizenship

> ***Article 9***: *1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien, nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
>
> *2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

312. Title II of the Constitution deals with the theme of Costa Rican nationality. It states that Costa Rican nationality is acquired through birth or naturalization, which cannot be lost and may not be renounced. It also sets out the requirements for foreign-born persons who choose Costa Rican nationality. Chapter I of Title VIII of the Constitution, entitled "Political Rights and Duties," defines citizenship as "the aggregate of political rights and duties which pertain to Costa Ricans of either sex," and describes the grounds on which citizenship may be suspended. The conditions are the same for men and women.

313. Article 14, Subsection 4 of the Constitution states that Costa Rican nationality may be acquired by a "foreign woman who by marriage to a Costa Rican loses here nationality." Similarly, Subsection 5 states that Costa Rican nationality may be acquired by a foreign woman who has been married to a Costa Rican for two years and has been domiciled in the country during this period, and indicates her desire to become a Costa Rican.

314. Although the text of the Constitution does not state that a woman who is a Costa Rican national may pass on the right of nationality to her husband, the Constitutional Chamber has passed certain resolutions extending this right to foreign-born men married to a Costa Rican woman (S.C.V.0325 and 3435-92). Under these resolutions, a naturalization request made by a foreign-born man who marries a Costa Rican woman shall always be approved, provided that the relevant legal and constitutional requirements are met, even when those requirements are not made explicit at the time the request is made.

315. Resolution S.C.V. 3435-92 affirms that Subsection 5 of Article 14 of the Constitution includes a provision that is not applicable, because it is contrary to the fundamental values of the Constitution with regard to legal equality and the complementary requirement not to discriminate. These values are regulated by international norms, whose effect must be enforced and respected at the national level, both for themselves and under the provisions of Article 48 of the Constitution. The fact that the benefit is granted solely to the foreign-born woman married to a Costa Rican national represents discrimination against the foreign-born man married to a Costa Rican woman. It creates an artificial disadvantage, since it limits benefits on the grounds of gender, thereby contravening the constitutional and universal spirit of equality and non-discrimination.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

316. The Constitution guarantees women the same rights as men with regard to the nationality of the children. Nationality is acquired through birth on national territory, regardless of the nationality of the father, mother, or both. Equally, in the case of children born outside the national territory, both father and mother can pass on Costa Rican nationality, once they have fulfilled the procedure set out for that purpose.

Article 10: Education

Article 10: States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional, and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

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(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional, and higher technical education, as well as in all types of vocational training.

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality.

Legal recognition of the right to education

317. Title VII of the Constitution, entitled "Education and Culture," recognizes education as a human right that shall be accorded to all citizens. The Basic Education Act (No. 2160 of 2 October 1957) reaffirms that any individual living in the Republic has the right to an education, and that the State has the obligation to provide an education in the broadest and most appropriate manner possible.

318. The goals of the Costa Rican education system are set out in Article 2 of the Basic Education Act, as follows:

(a) to produce citizens who love their country, who are aware of their basic responsibilities, rights, and freedoms, and who have a profound sense of responsibility and respect for human dignity;

(b) to help foster the full development of the personality;

(c) to help forge a democracy that reconciles the interests of the individual and those of the family;

(d) to promote the development of solidarity and human understanding; and

(e) to preserve and expand the country's cultural heritage, imparting knowledge about the history of humanity, the great works of literature, and fundamental philosophical concepts.

319. The Constitution guarantees freedom of education, and requires the State to oversee and promote private education facilities. The institution responsible for overseeing public universities is the National Board of Chancellors (CONARE). Private universities are regulated by the Private Higher Education Board (CONESUP).

320. Education is mandatory up to the third cycle, or the ninth year of basic education.

321. General basic education, pre-school education, and diversified education are free and funded by the State which, in its turn, must help those without financial resources to pursue higher education, facilitating access to the university grants system. However, those who do have the financial resources to pursue higher education must themselves fund their studies.

322. Also, Article 78 of the Constitution states that the State has the obligation to provide the means necessary so that those without financial resources can enjoy this right, provide food and clothing to indigent students, and

supply the resources needed for the creation of scholarships and assistance mechanisms allowing access to education at all levels. Men and women students have equal access to those benefits.

323. Article 86 of the Constitution stipulates that the State will sponsor and support adult education with the aim of eliminating illiteracy and providing educational opportunities for all those who wish to improve themselves socially, economically, and intellectually.

324. The Constitution also recognizes that State university institutes of higher education enjoy operational independence, the full legal capacity to acquire rights and obligations, and the autonomy to provide their own organization and government. The State is obliged to give them their own assets and participate in their funding.

Educational situation of women in Costa Rica

325. The educational situation of Costa Rican women reflects gradual improvement over the past 25 years (see also paragraphs 221 to 228 and 237 to 239). Women have increased their level of education, both at the national level and with respect to the education levels attained by men. Costa Rica has one of the highest education levels in Latin America. This is the result of decades of efforts by the Costa Rican State over a period of decades.[13] Nevertheless, this progress slowed during the crisis of the 1980s, with many educational problems linked to coverage and social stratification still remaining.

326. Costa Rica's illiteracy levels are low. Women have been reducing their rates much faster than men have, to the extent that the rate for women was equal to that of men by 1984 and, by 1988, had fallen below that of men (5.9 for women and 6.3 for men). However, illiteracy rates for men and women rose slightly for men and women from 1998 onward, with the rate for women remaining below that for men.

327. With respect to enrolment in public and private education facilities, male and female enrolments are similar, with certain differences, depending on the nature of the facilities (public, private, or semi-private). Male enrolments at urban and rural facilities have been slightly higher. From 1990 onward, however, they began to decline slightly, while those for women are trending higher (MIDEPLAN, 1995). Furthermore, women have produced a higher yield than men, as well as a lower drop-out rate. In 1992, for example, 50.03 per cent of women completed primary education. That rate was slightly higher in 1994, at 50.32 per cent. Among men, however, the completion rate was 49.97 per cent in 1992, and 46.68 per cent in 1994 (UNFPA, MIDEPLAN and CMF, 1995). In conclusion, it may be said that women have achieved equality regarding access to the education system.

Table 25

Costa Rica: drop-out rates by school level and gender[14]
(in per cent, 1996)

Level	*Women*	*Men*
Primary		
Day	4.20	4.82
Evening	19.10	28.30
Secondary		
Day	9.90	12.50
Evening	28.00	38.10

Source: Ministry of Education. Educational Planning Division. Department of Statistics. 1996.

[13] The private sector has one of the lowest enrolments in Latin America, at both primary and secondary levels.

[14] Includes public, private, and semi-private institutions.

328. There are, however, a few significant differences. Women have had a greater tendency to halt their studies in secondary school, while men tend to halt technical secondary education. Women tend to give up as they reach the higher levels of the education system. This is largely because of marriage or early pregnancy; their need to care for younger siblings and perform domestic chores, in the case of girls from poor homes; and the influence of general socialization patterns, which undervalue women's education.

329. Over recent decades, the Costa Rican State has tried to make substantial improvements in terms of access to formal education. As a result, enrolments in secondary education doubled during the 1970s. At the beginning of the 1990s, 94.2 per cent of primary schools and 85.9 per cent of secondary schools were public. The remaining schools were either semi-private or private. The gender breakdown of public-school enrolments was, and remains, fairly balanced. In semi-private and private schools, however, enrolments of women are slightly higher than those of men.

330. Pre-school enrolments have been rising since 1980, as has the demand for State services in this area. This is partly due to women's increased participation in the country's economic and social life. Although the Costa Rican State and the private sector have increased the number of schools available, supply is still inadequate. A major step forward in this regard was the approval, in 1997, of the reform introduced to the Basic Education Act, making pre-school education mandatory.

331. Secondary education is primarily academic in nature. Technical and vocational education accounted for scarcely 25 per cent of all secondary education at the end of the 1980s. Women accounted for around 50 per cent of students in both sectors. In the technical and vocational area, however, women were enrolled mainly in female-dominated areas of the services and industrial sectors. In the early 1990s, men accounted for most of those studying for agricultural careers (91 per cent) and industrial careers (60 per cent) and a little less than half of those studying for the services sector (Institute for Women's Studies, Spain, and Latin American Faculty of Social Sciences (FLACSO), 1993). Moreover, data for the year 1997 did not show any changes. A study conducted by CEGESTI in 1997 concluded that gender segregation was expressed in men and women's chosen modalities and specialities, not in enrolment levels, which were similar for both groups. Women's participation was focused on traditional areas of manufacturing and secretarial work. This segregation was also found in the distribution of male and female teachers, with female teachers working mostly in subjects related to careers in the service sector.

332. Public education is either mixed or coeducational. Those schools that offer separate education for women are either semi-private or private. In general, semi-private and private schools have better infrastructures and are better equipped, but do not necessarily have better teachers. Furthermore, various studies conducted by the University of Costa Rica have shown that the quality of education offered to men and women is influenced by prevailing ideas and educational practices concerning the expected gender roles of men and women. Despite the efforts made in the past, textbooks and curricula still perpetuate sexist stereotypes. Educational methods and teacher practices mostly reinforce gender segregation at schools and traditional gender roles. Moreover, the studies found that teachers of mathematics and science courses paid more attention to male students than to female students. The examples and problems to be resolved in class generally had little to do with female students' primary day-to-day concerns.

333. In the technical-education sector, it was found that the equipment used in services-related courses was of lower quality and of a lower technological standard than that used in courses dominated by male students. At many institutions, computer and software equipment used for secretarial courses was obsolete.

334. The higher-education system offers various options for those who wish to take up careers in the technical and technological sectors.

(a) The Technological Institute of Costa Rica (ITCR), which is a public higher-education institution offering courses designed to train technical and professional staff in the field of technology. Women's enrolments have been rising over the past decade, although men continue to account for a higher proportion of those entering and graduating from the Institute. A gender equity office was recently set up as a mechanism for coordinating a

range of measures aimed at promoting equal opportunity in access to the educational services provided by the ITCR, creating the right conditions for keeping women in the system, and monitoring their career progress.

(b) The State Distance-Learning Institute (UNED), which is a public institution offering various technical courses (e.g. agricultural technology, child-services management). Its courses are aimed at those who have completed secondary education but are not in a position to enter traditional universities.

(c) Private technical-training institutes, which provide technical and vocational training in a variety of areas, such as computing, secretarial work, accounting, and administration.

335. Women studying at UNED and private institutes tend to opt for technical disciplines related to the services sector, due to the flexibility offered by such disciplines and the availability of short courses.

336. Women dominate the teaching profession, but there are differences between the various teaching levels. In 1992, women accounted for 97.4 per cent of pre-school teaching staff, 79.9 per cent of primary-school teachers, and 54.2 per cent of secondary teachers. Men tend to choose careers as administrators (as school principals, for example) and for jobs in secondary-school education, which offers greater prestige.

337. At universities, men dominate the teaching faculty in disciplines such as science, law, health sciences, education, and the arts. Even in disciplines such as political sciences, however, more than 60 per cent of teachers are men. More male teaching staff than women teaching staff have tenure (offering greater job security and employment rights).

338. The number of women choosing University disciplines that provide training for professions such as medicine, law, engineering, sciences and agriculture has been increasing over the past decade, reaching 50 per cent in medicine and law. This reflects a transition in gender identities, although various studies have shown that, despite this important change, the selection of university continues to be marked by significant gender segregation. Around 60 per cent of women choose courses in the humanities, social sciences or arts. This is not the case with men. A much smaller proportion of men have switched to "soft" subjects, such as sociology. These same studies indicate that segregation continues into the workplace, and this includes those professional women graduates who become wage-earners in non-traditional careers, since these women tend to choose jobs that can be coordinated with child raising. The number of women who carry out their professions on a full-time basis continues to be low.

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.

339. Under the PIOMH, the CMF and the Ministry of Education have been promoting a number of policies and actions designed to eliminate factors tending to perpetuate gender inequalities. These policies and actions affect the formal primary, secondary, and university education system, as well as other areas of education. In an effort to comply with the provisions of the Act Promoting the Social Equality of Women, with respect to the elimination of stereotyped ideas about gender roles, a curriculum policy designed to eliminate from the system in general, and from the education system in particular, ideas and practices that promote gender-based discrimination or any other kind of discrimination.

340. As mentioned in other parts of this report, the fruits of those efforts include the production of a series of textbooks entitled *Hacia el Siglo XXI*, the training of teaching personnel in educational policies that encourage resocialization in general, and the publication of guides designed to help create the conditions for equal educational opportunities for men and women (see also paragraphs 221 to 228 and 237 to 239).

341. It must be said that, despite the advances achieved in this field, discriminatory cultural practices persist in educational processes and textbooks. The Costa Rican State has introduced a series of measures, and is presently promoting an education policy aimed at eliminating sexist content and practices in education. Significant efforts have been made to update textbooks, but teaching staff continue to resist changes to highly outmoded notions about the gender roles expected of men and women.

342. The PIOMH is implementing a range of strategic measures designed to tackle the main obstacles to the achievement of gender equity in education. A second plan (the first is to conclude in mid-1998) will aim to reinforce these measures, especially in areas that are critical in terms of transforming ideas and teaching practices, teaching methods and materials, the decision-making structure and the administration of the educational system, mechanisms enabling teenage mothers and disabled teenage girls to gain access to and remain in the system, and the range of technical, vocational, and professional services available.

(d) The same opportunities to benefit from scholarships and other study grants.

343. Article 78 of the Constitution stipulates that the State shall "facilitate the pursuit of higher studies by persons lacking their own resources." It further states that "the awarding of appropriate scholarships and assistance shall be a function of the Ministry of Education through such organizations as the law may specify." No distinction is made with respect to the gender of the individual applying for such scholarships or assistance. In the same way, no distinction is made regarding the provision of uniforms, supplementary food, or textbooks, because the crucial factor is the socio-economic status of the individual.

344. Municipalities also offer scholarships to students in primary and secondary schools. The criteria for awarding such scholarships are school yield and socio-economic status. Some municipalities are awarding more grants to women students, because they apply more and also produce a better school yield.

345. The National Educational Loans Board (CONAPE) is a State agency that provides university loans for undergraduate and postgraduate study, both in Costa Rica and abroad. The loans award process makes no distinction with regard to the gender of loan applicants.

346. State universities have systems for socio-economic assistance that include grants, loans, and subsidies for resources such as food, lodging, health services, and books and study materials. No sex-disaggregated data are available, however, so it is hard to assess women's level of access to such services and resources. The main criteria for the awarding of scholarships and complementary services are of a socio-economic nature. Particular situations influenced by gender are not generally taken into account. Married women students who do not receive financial support from their husbands have been denied access to scholarships because the socio-economic situation of the family unit does not justify the provision of financial assistance.

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely.

347. Costa Rica has consistently implemented a range of opportunities to access technical and vocational training and education programmes, including adult literacy and education programmes. Article 83 of the Constitution states that it is the State's responsibility to coordinate and fund adult education, which is designed to combat illiteracy and provide the cultural opportunity for those who want to improve their level of education.

348. The National Apprenticeship Institute (INA) is the State institution responsible for training non-degree-course technicians for the agriculture, industry, and service sectors. The Institute offers formal curricula, short training programmes, and open community workshops. As with the diversified-education sector, there continues

to be gender-based segregation, with women focusing on disciplines and courses related to the service sector. In the early 1990s, there was a slight increase in the number of women choosing non-traditional subjects, such as car mechanics. Institutional policies did not, however, cater to women's gender needs and interests, or to different age groups. Greater efforts need to be made to change stereotyped notions about male and female roles in the supply of training, careers guidance, dissemination of information, the training of instructors, and the monitoring of women's performance in the labour market.

Table 26

Enrolment and graduation of men and women by economic sector

National Apprenticeship Institute (in per cent, 1996)

	Students			*Graduates*		
Economic Sector	*Total*	*Men*	*Women*	*Total*	*Men*	*Women*
Total	100.00	60.25	39.75	100.00	60.27	39.73
Agriculture	25.96	33.10	15.14	26.54	33.58	15.84
Industry	35.19	35.00	35.48	35.29	35.21	35.42
Trade and Services	38.85	31.90	49.39	38.17	31.21	48.73

Source: National Apprenticeship Institute. *INA in figures*. San José, Costa Rica. 1997.

349. Within the basic education system, there are not many opportunities for women to take technical and vocational training courses, either in the State or private sectors. Three programmes are particularly noteworthy:

(a) The Omar Dengo Foundation runs the Computer Education Programme in public-sector schools, for basic and high-school education and those not attending school. This programme offers a tool for improving educational processes, but also a way to provide technical and vocational training, because it teaches skills and abilities that are particularly valued in the labour market. As of April 1997, a total of 49,112 men and 45,970 women had attended the programme at primary schools. The computer laboratories installed in the schools are also available to community members of all ages outside school hours. Around 40 per cent of those using extramural services are teenage and adult women.

(b) For the past four years, the Ministry of Education has been running the programme "Syllabus for the education of young people and adults". Programme courses ranges from literacy training to secondary-level studies for those who dropped out of the regular education system. A major proportion of students are teenagers and young women who gave up school because they were pregnant, had married early, had to find a job, or had become disillusioned with school.

(c) A third programme is the Comprehensive Training Programme for Poor Women Heads of Household, which is implemented under the "Women" component of the National Poverty Plan, "PNCP/Women" (see paragraphs 191-196). This programme has two components: human-resources training and technical training. The technical-training component offers opportunities for literacy training and technical instruction at the INA. The initial training process has helped to identify illiterate women, who are now being taught to read and write by a group of volunteer literacy tutors from organizations of civil society and the Inter-American Institute of Human Rights (IIDH). Women who can read and write enter the INA to begin technical training. This programme offers a variety of opportunities for women who are traditionally excluded from productive resources, including technical training. There are still some limitations, however: a reluctance to adapt training methods to suit the needs of illiterate women or women with a low education level, hours that are inconvenient for working women or students from the formal system, the range of training offered in traditional areas, the limited emphasis placed on business training, and the lack of support services (childcare, subsidized transport, and loans).

350. Despite the State's efforts in this area, it is increasingly clear that more work needs to be done to find out exactly why women drop out of education and to identify the obstacles they face. The objective must be to bring

them back into education or find viable alternatives for them. Efforts in this area must be part of a comprehensive policy, which addresses the needs of women from different socio-economic strata (not just those of poor women), of different ethnic groups and age groups, civil status, and geographical origin. Those efforts must also be aimed at finding ways to provide educational and employment-training options that will enable women to find jobs that will generate sufficient income for women to lead a dignified existence (not merely a life of subsistence), under equal conditions with men.

(g) The same opportunities to participate actively in sports and physical education.

351. The Ministry of Culture, Youth, and Sports has been implementing programmes aimed at strengthening sports and physical education in the formal and informal systems, as well as major sports programmes involving adolescent, young, and, to a lesser degree, adult women. Some people, however, continue to regard sport as a male domain. Consequently, sports activities are gender-segregated in schools and colleges, and within the community, and recreational spaces devoted to "male" sports such as football. Adult women are not provided with adequate facilities or with sufficient organized recreational and sports programmes.

352. Physical education was a permanent, regular feature of secondary-school curricula until 1995. Since then, it has also been provided in primary schools, and this is critical to the development of positive habits and attitudes. Since the middle of the past decade, girls, teenagers, and young women have become actively involved in sport, with many distinguishing themselves both nationally and internationally. And yet, women are given less government and private support than men. Furthermore, in many national competitions, financial prizes awarded to women are lower than those awarded to men.

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

353. Family-life education and sex education are components of the primary and secondary curricula. Over recent years, the Ministry of Education has been working consistently to eliminate concepts, contents, and practices that reinforce gender stereotypes and a genitalized approach to sexuality. As outlined elsewhere in this report, significant progress has been achieved in the production of gender-sensitive curricula and employment guides. Teaching staff continue to resist, however, due to the many highly outmoded behaviour patterns and values to be found in this area.

354. Various State and non-governmental organizations provide information and training in reproductive health, family planning, and sex education:

(a) The Ministry of Health runs information campaigns, at health centres, and through posters and brochures, on issues related to reproductive health, family planning, and maternal and infant health. It also provides family-planning services. The programme is run on a nationwide basis.

(b) The Costa Rican Social Security Fund offers a specialized programme on reproductive health, which regularly designs and conducts information and educational campaigns on various subjects related to reproductive health and sex education (e.g. safe sex, family planning, early detection of breast cancer and cervical cancer, sexuality among young people). These campaigns are national and are conducted through the communications media, as well as on public billboards and posters, and through written materials. The CCSS programme also incorporates the Comprehensive Programme on Adolescents, which implements a series of educational and gender-sensitive actions advocating healthy, responsible sexuality.

(c) The Costa Rican Office of Demographics, a non-governmental organization, conducts research and provides information, education and assistance in the areas of sex education, reproductive health, and family planning. It operates in the Greater Metropolitan District of San José.

(d) The PANIAMOR Foundation, a non-governmental organization specialized in the prevention of child sexual abuse, runs a community education programme aimed at children and adolescents, which promotes a comprehensive and responsible concept of sexuality. It seeks to empower minors to deal with the kind of situations that lead to sexual abuse and violence. The programme is implemented nationwide.

Article 11: Labour laws

Article 11: *1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equal opportunity of men and women, the same rights, in particular:*

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technical knowledge and shall be revised, repealed or extended as necessary.

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(a) The right to work as an inalienable right of all human beings.

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

The right to work

355. Article 56 of the Constitution guarantees the right to work, stipulating that "the State must endeavour to see that everyone has lawful and useful employment, duly remunerated, and to prevent the establishment on that account of conditions which may in any way curtail a man's freedom or dignity or degrade his labour ...". The same article states that "the State guarantees the right to free choice of work". The Act Promoting the Social Equality of Women obliges the Commissioner for Human Rights (now the Office of the Public Commissioner) to take the appropriate measures to guarantee equal opportunities in the exercise of public duties within centralized or decentralized administrative bodies.

356. The right to work is also protected under the Labour Code (1943) and the conventions of the International Labour Organization (ILO) ratified by the Costa Rican State (see paragraph 88). The Labour Code prohibits women from doing unhealthy, onerous, or physically or psychologically hazardous work (Article 87), as well as night work. However, the restrictions on night work by women employed in industry were abolished under the Executive Decree of 28 April 1976, because of the many exceptions set out in the Labour Code.

Equal opportunity in the workplace

357. The Constitution establishes equal rights for male and working women. Furthermore, the Labour Code protects the labour rights of men and women, although there are still a number of discriminatory regulations. Consequently, the Legislative Assembly has been presented with a range of reforms under the Draft Law on Gender Equity in the Labour Code. Among other reforms, this draft law proposes:

(a) to abolish the provision banning the hiring of women for unhealthy, onerous, or hazardous jobs, while retaining the provision for minors under the age of 18. Despite this, protective measures regarding these tasks are not provided for;

(b) to abolish the provision that expressly prohibits night work by women;

(c) to abolish the regulation expressly prohibiting a single woman under the age of 18 from exercising, on a self-employed basis or on behalf of others, a profession practised in the street or in a public place. The prohibition is retained for minors under the age of 15;

(d) to set the minimum break period for a woman domestic worker at two hours, retaining a 12-hour work day. The minimum age at which minors may perform this type of work is 15. The maximum work day in this respect is set at 10 hours.

Right to choose and keep a job

358. The Labour Code establishes the right to equal work opportunities, to free choice of work, to stable employment, to all benefits and other guarantees, and to vocational training (Articles 18 to 53, 69 to 86, 87 to 113, and 135 to 191).

359. According to the National Households Survey, the total population of Costa Rica in July 1996 was 3,202,440. The country's total workforce was 1,220,440, including 853,394 men and 367,520 women. Thus, men accounted for 69.9 per cent of the workforce, while women accounted for 30.1 per cent.

360. The male workforce over the period in question therefore accounted for 26.64 per cent of the country's total population, while the female workforce represented just 11.48 per cent of the total. However, if one considers the workforce participation rate by gender, one discovers an interesting trend, as illustrated in Table 27. Female participation rates rose during the period in question, with the exception of 1996, when there was a slight decline in the rate. This was the result of a decline in the number of jobs available and a rise in unemployment.

Table 27

Costa Rica: net workforce participation rates for men and women (1991-1996)

Net participation rate	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Women	30.6	30.0	31.0	31.6	32.4	31.1
Men	74.9	74.0	75.0	75.3	75.9	73.7

Source: Department of Statistics and Census. *Households and General Purposes Survey.* San José, Costa Rica, DGEC. 1997.

361. In the same way, over the last decade there has been an increase in the average growth of the female economically active population (FEAP), in the open unemployment rate and underemployment, and in the wage gap, in both public and private sectors. This is illustrated in Tables 28 and 29.

Table 28

Costa Rica: economically active population, by gender (1992-1996)

Year	*Both sexes*	*Women*	*Women/total (%)*
1992	1,086,988	324,894	29.9
1993	1,143,324	341,937	29.92
1994	1,187,007	357,122	30.08
1995	1,231,572	375,273	30.44
1996	1,220,914	367,520	30.14

Source: Department of Statistics and Census. *Households and General Purposes Survey.* San José, Costa Rica, DGEC. 1997.

Table 29

Costa Rica: open unemployment rate for women in the workforce, by gender (1991-1996)

Open unemployment rate by region	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Open Unemployment						
Women	7.4	5.4	5.3	5.8	6.5	8.3
Men	4.8	3.5	3.6	3.5	4.6	5.3
Urban regions						
Women	6.7	5.4	4.8	5.1		7.6
Men	5.6	3.7	3.6	3.8		6.0
Rural regions						
Women	8.3	5.4	5.8	6.6		9.2
Men	4.1	3.3	3.6	3.2		4.8

Source: Department of Statistics and Census. *Households and General Purposes Survey.* San José, Costa Rica, DGEC. 1997

362. Women have played an active role in the economic development of Costa Rica. And yet, when one looks at how their participation is reflected in various economic indicators, and especially those related to the workforce, one sees that they are scarcely accounted for at all. This situation has serious consequences in terms of access to productive resources, the improvement of wage and working conditions, the recognition of women's rights as workers and producers, and access to housing, agricultural land, and real estate.

363. Women still do more unpaid work than men do, and tend to increase such work depending on whether social services and programmes are eliminated or restricted through the application of adjustment measures. As shown in Table 30, more women than men do part-time work, work as wage-earners in the informal sector, and work on a self-employed basis (Table 31). Women's contribution to agricultural work also continues to be unacknowledged, and this contributes to their exclusion from social benefits and productive resources.

Table 30

Costa Rica: employed population by gender and weekly hours worked (1992)

Relative

Weekly hours worked	*Both sexes*		*Women*	*Men*
Less than 30 hours	10.7	6.6	20.8	57.0
30-39 hours	10.0	10.6	8.5	25.1
40-46 hours	16.8	15.4	20.0	35.2
47 hours or more	62.5	67.4	50.7	23.9
Total	100.0	100.0	100.0	

Source: Institute for Women's Studies, Spain, and FLACSO. *Latin American women in figures.* San José, Costa Rica. FLACSO. 1994.

Table 31

Costa Rica: employed population by job category and gender (1996)

Job category	*Both sexes*		*Women*		*Men*	
Total	984,3	100.00	289,0	29.4	695,3	70.6
Employers	61,1	100.00	10,8	18.0	31,3	82.0
Self-employed	185,4	100.00	42,3	22.7	143,0	77.3
Wage-earners	737,8	100.00	235,8	31.4	501,9	68.6

Source: Department of Statistics and Census. *Households and General Purposes Survey.* San José, Costa Rica, DGEC. 1997.

364. Available information shows that in order to reflect the participation of women in production, work, and employment, it is not enough merely to produce gender-disaggregated data. Other gender-sensitive indicators must be developed. Those indicators should reflect the contribution of the female workforce to the agricultural and informal sectors, the true extent of female unemployment and underemployment, as well as the discriminatory conditions governing the performance of paid and unpaid work. There is also a need to develop indicators able to measure the extent of women's unpaid work and determine their contribution to the nation's wealth.

365. A major obstacle to change in this respect is the persistence of ideas that regard a woman's paid work as a complement to that of her husband and as a temporary activity in a woman's life.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

Equal wages

366. Article 57 of the Constitution states that wages shall always be equal for equal work under equal conditions of efficiency. It also states that "every working man is entitled to a minimum wage, fixed periodically, for a normal working day, which will provide for his well-being and a decent living." The technical agency appointed by law is responsible for setting the minimum wage. That agency is the National Wages Board, which is attached to the Ministry of Labour. Article 371 of the Criminal Code also provides for a fine to be imposed on any individual, manager, or director of an official or private firm, or administrator of an industrial or commercial enterprise, who shall implement any harmful discriminatory measure based on considerations of race, gender, age, religion, civil status, political belief, social origin, or economic situation.

367. Despite the provisions of the Constitution and the Labour Code, women are, in practice, subject to wage discrimination. According to the 1996 National Households Survey, the average monthly income across the whole population was 66,992.2 colons (266.9 dollars). Women, however, earned an average of 84.2 per cent of men's average income. The discrepancy was greater among men and women working on a self-employed basis. In this sector, women's earnings were equivalent to just 29.64 per cent of the wages earned by men. Moreover, women's earnings were lower than those of men in every job category.

368. Salary discrepancies between women and men are greater in the private sector (around 75 per cent). In the public sector, the gap tends to be lower, as the Civil Service functions as a control mechanism in this regard. However, in 1996, women working in the public sector earned 90 centavos for every colon earned by men.

369. Within private industry, there are companies that pay different wages for men and women performing equal work under equal physical and intellectual conditions. These companies give different names to the same job, depending on whether it is being done by a man or a woman.

370. The rights of women domestic workers are inferior to those of other working women, with respect to wages, duration of working day, vacations, job stability, and other factors (Title II, Chapter VII of the Labour Code). These domestic workers have promoted various reforms in an effort to win equal rights. In 1997, the Ministry of Labour fixed a fair wage for them, under conditions of equality and equity.

Equal treatment

371. The principle of non-discrimination with regard to work is enshrined in Article 68 of the Constitution, which states expressly: "No discrimination shall be made in regard to wages, advantages, or working conditions, as between Costa Ricans and foreigners, or with respect to any group of workers. Under equal conditions, Costa Ricans should receive preference".

372. When referring to the parties that make up the labour relationship (employer-employee), labour legislation – and especially the Labour Code – makes no distinction between men and women, except when it refers to a special protective measure, as in the case of pregnant workers. It should be noted that even when the aforementioned distinction is prohibited, there are, in practice, cases where men are hired in preference to women with a view to circumventing the responsibilities incumbent upon the employer in the event of pregnancy. No statistics are available, however, with regard to this practice.

373. In practice, there are many cases where different wages are paid to men and women, for equal labour making the same physical and intellectual demands. Work inspectors are required to prevent and denounce such practices, but most women do not submit complaints, for fear of being dismissed from their jobs.

374. Implementation of the PIOMH revealed a number of discriminatory passages in the Labour Code (1943). These passages must be amended and made to conform with other, existing resolutions.

(a) Chapter VII of the Code provides specific regulations related to women's work (e.g. night work and equal status with minors). Despite these regulations, women do, in practice, perform night work, as well as unhealthy and onerous work (Article 87 of the Labour Code);

(b) Article 104 on working days, wages, breaks, and holidays for paid women domestic workers;

(c) Article 90 discriminates on the grounds of age and civil status against women who carry out economic activities in the open air or in public places, since it prohibits men younger than 15 and single women under 18 from carrying out such activities;

(d) Article 94 associates dismissal of a pregnant woman with notification of the pregnancy to the employer. There is a resolution of the Constitutional Chamber that eliminates the requirement for such notification;

(e) Article 243 must be reformed in accordance with the recent Act Regulating Common-law Marriages, so that benefits currently applicable to the spouse also apply to cohabitants.

375. The Legislative Assembly is presently considering the Draft Law on Gender Equity in the Labour Code (Procedure No. 12576), which provides for reforms of Articles 87, 88, 90, 95, 104 and 243, in order to eliminate provisions that discriminate against women. It includes measures ensuring that pregnant women not only are entitled to the rights accorded to them under labour laws, but also will not suffer discrimination as a result of their condition. The draft law also provides for labour laws to be amended in line with recently approved legislation, such as the Act Regulating Common-law Marriages.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

376. The right to social security, a pension, disability benefits, services, and paid holidays has been protected since 1943 under the Labour Code. Moreover, Article 73 of the Constitution states that "Social security is established for manual and intellectual workers, regulated by a system of compulsory contribution by the State, employers, and workers to protect them against the risks of illness, disability, maternity, old age, death, and other contingencies determined by law."

377. According to the provisions of the Constitution, administration of the country's social security system is the responsibility of the Costa Rican Social Security Fund (CCSS). The system covers health insurance and pensions. Insurance against occupational risks are the sole responsibility of employers and are governed by special provisions under the National Insurance Institute, another autonomous State institution. In the area of pensions benefits, there are a number of systems, in addition to that administered by the CCSS, such as the National Teachers' Pension Scheme and the National Farmers' Scheme. They were created by Act of the Republic, and the State therefore contributes part of the quota.

378. The Costa Rican State's interventionist role as the entity responsible for the general well-being of the population is based on various laws, introduced in the early 20th century and consolidated in the Social Guarantees section of the Constitution of 1949. Until the early 1970s, the right to social security, a pension, and disability benefits was accorded to part of the female working population – mainly those women who lived in urban areas and who worked in industry and in the service industry. It was in the early 1970s that the Costa Rican State passed a series of laws aimed at expanding State intervention in order to comply with the right to health and social security, introducing a new concept of comprehensive development and its value as an agent of well-being. In the area of social security, medical care was extended to cover the entire population and the pensions system

was expanded to cover other sectors (e.g. women agricultural workers and women domestic workers, elderly adult women) who do not have the right to pensions benefits because they did not make payments to the scheme.

379. Thus, toward the end of 1991, the country doubled coverage of the Social Security's Sickness and Maternity Scheme, reaching 84.4 per cent of the national population. By 1995, coverage had risen to 86.1 per cent. A total of 78 per cent of Costa Rican women and other women residents of the country have health-services coverage. There are, however, groups whose coverage level is lower – as with single women cohabiting with their partners, women with low incomes, women domestic workers, women with low education levels, illegal immigrants, and those living in rural areas. In any event, these groups can access health services under the social security system, as State insured, or under the non-contributory pension scheme.

380. There are various schemes guaranteeing access to health services, social benefits, various pensions, which make up part of the social security system. Both men and women can access those schemes. The non-contributory pension scheme was set up to guarantee special protection for women, minors, the elderly, and the disabled, who do not have access to health services and pensions under other schemes. The available schemes are:

(a) The Sickness and Maternity Scheme, administered by the CCSS. This scheme guarantees health services to contributing working women and their immediate families. The scheme grants membership to women who work independently or on a self-employed basis. Article 8 of the Act Promoting the Social Equality of Women guarantees that all those insured directly by the scheme, whether men or women, can extend scheme benefits to their family members. Previously, CCSS Regulations had limited women's right to insure their spouses, even though they paid into the scheme under the same conditions as male workers. The Supreme Court of Justice[15] thus declared unconstitutional Article 57 Subsection b) of the Regulations for Sickness and Maternity Benefits, of the CCSS, on the grounds that "the foundation of the regulation in question is nothing more than a fallacy which, in accordance with the socio-economic development of our people, presupposes that the man is alone in having the ability to work, thus establishing the woman's natural dependency on him and, in consequence, imposing indiscriminate, unjust, and irrational conditions on any man who desires to join the social security scheme through his wife ..."

In the area of maternity, a reform has been introduced to Article 95 (Act No. 7621 of 27 September 1996) of the Labour Code. This reform provides that during maternity leave, a worker would not suspend contributions to her pension fund, and must continue to make her social-security contributions on all the wages owed during the period (contributions made by employee and employer).

(b) The Invalidity, Old age, and Death Scheme, which is also administered by the CCSS. Pension rights are granted to men and women who have contributed to the scheme, and to their dependants, in the event of their death. Women contributing to the scheme can retire at the age of 55 with the same pension amount as men, who can retire up to the age of 60. This benefit acknowledges the social function of maternity. There is currently a proposal to reform the Scheme Regulations by establishing the same retirement age for men and women.

(c) The Occupational Risks Scheme, covering occupational accidents and sickness to which working women working for others are exposed (Article 203 of the Labour Code). Its coverage is still limited, especially in many jobs performed by women. Many working women are not covered by the Scheme because they work in the informal or domestic sectors. In fact, the Labour Code (Article 206) states that the following are not obliged to insure themselves: those who work at home, those who are hired without intent to profit or on a temporary basis for jobs that last less than five days, and who work in domestic service. At present, a campaign is under way in the communications media, aimed at ensuring that domestic workers can take out insurance against occupational risks or, in the absence of such insurance, if they should suffer an accident at work, seek the necessary medical attention and rehabilitation. Although employers are not obliged to provide insurance, in the

[15] Constitutional Chamber, Vote No. 0629-94 of 31 January 1994.

event of an occupational accident or sickness, they must cover any costs that may be incurred as a result of such contingencies.

(d) State Insurance. This scheme is funded by the Fund for Social Development and Family Allowances (FODESAF), to which the State and the country's business sector contribute. It enables health services to be extended to population sectors that are not members of prior schemes. A significant proportion of the covered population are women.

(e) The Non-contributory Pension Scheme. This scheme, like the former scheme, is financed through FODESAF, awarding pensions to the elderly population, orphans, or those with disabilities who have not contributed to the Invalidity, Old age, and Death Scheme, or who have not been able to comply with the number of quotas needed to qualify for the pension. Individuals must make contributions for the first three months in order to be entitled to services and other benefits.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

381. The Constitution of Costa Rica guarantees non-discrimination on the grounds of gender, in conferring the right to protection of health and to safety in working conditions, including the function of reproduction. This right is also protected under the Labour Code.

382. Furthermore, the Act Promoting the Social Equality of Women reformed Articles 87 and 94 of the Labour Code, as follows:

(a) Article 87 forbids the hiring of women and minors to perform work that is unhealthy, onerous, or physically or psychologically hazardous. It sets out regulations defining such work and envisages other legal sanctions and compensations to be applied in the event of non-compliance. It also provides for the imposition of financial sanctions in the case of accident or sickness. It states that the Ministry of Labour must consult workers' organizations and women's representative associations regarding how women shall work and the conditions governing their labour. Although this provision implies discriminatory treatment, in that the regulation does not apply to male employees working under the same conditions, the reform does represent significant progress, because it provides that the Ministry of Labour must consult with social organizations representing women workers and also establishes liability for employers who fail to comply.

(b) Articles 94 and 94a forbid the dismissal of a worker who is pregnant or a lactating mother, except when there are just causes arising from failure to comply with the duties set out in the employment contract. In such cases, the employer must report the intended dismissal to the National Employment Management and Inspection Board and prove the alleged fault.

(c) Article 94a states that the female employee may ask the Labour Court that she be reinstated in her previous job, and may be entitled to receive unpaid wages. In the event that the employer shall fail to comply, there is provision for sanction by judicial order. If the employee should decide not to return to her job, the employer must pay her any compensation for leave to which she may be entitled and, by way of damages, the amounts equivalent to pre- and post-partum benefits, and wages not received since her dismissal, until the eighth month of pregnancy.

(d) Furthermore, the Constitutional Chamber of the Supreme Court of Justice ruled, through Vote No. 2635-91, that any workplace discrimination against an employee due to the fact of her pregnancy is flagrantly unconstitutional on the grounds that, under Article 33 of the Constitution (equality before the law), pregnancy may not be regarded as grounds for an individual to be treated differently from other female employees.

383. Advances achieved in this area have been very significant, but especially with regard to paid working women, who are now covered by hiring arrangements regulated by the employer-employee relationship. However, a large number of the female workforce are self-employed or temporary workers, pieceworkers, employees in the informal sector, or unpaid family workers. These women are not covered by these benefits. The Costa Rican State has succeeded in extending these health services to the majority of the population, including women who do not contribute to the scheme. However, efforts should be made to promote policies that guarantee all workers the right to a dignified retirement, vacations, and disability payments.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status.

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

384. Articles 33 and 56 of the Constitution (on equality before the law and the right to free choice of work, respectively) prohibit different treatment on the grounds of civil status or any other characteristic. The Ministry of Labour, through the Labour Inspection Board, is charged with evaluating compliance with these standards by companies and employer institutions. In the same way, women can report acts of discrimination, either directly to the Ministry or through the Labour Inspection Offices. It is known, however, that there are companies that use various mechanisms to avoid hiring women who are married or have children, to dismiss them, to force them to quit their jobs when they become pregnant, or to deny them the right to maternity leave.

385. In view of this situation, the Ministry of Labour must take steps to improve the training of labour inspectors, in order to ensure full compliance with the regulations. It is also important to spread awareness of the regulations among working women, who are generally unaware of legislation, protective mechanisms, and procedures, and who are often afraid that they will be dismissed if they lodge a complaint.

386. Article 70 of the Code on Children and Adolescents (Act No. 7739 of 6 February 1998) prohibits discrimination on the grounds of maternity, stating that public and private educational institutions may not impose disciplinary or corrective measures on students who are pregnant. The Code also states that the Ministry of Education must create a system that will enable pregnant girls or adolescents to complete their studies.

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life in particular through promoting the establishment and development of a network of child-care facilities.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

387. Since the 1970s, the country has implemented a series of actions to provide men and women workers and students with child-care facilities.

388. In 1975, the Ministry of Health set up the Programme for Comprehensive Childcare Centres (CINAI), to provide childcare services for the two-to-six-year-old children of working women, students, and women from households with socio-economic problems. The centres are complemented by a supplementary-food service for children between six months and six years old and pregnant and lactating mothers. These support services are coordinated by the Education and Nutrition Centres (CEN), some of which operate jointly with the CINAI. The CEN were set up in 1949. The programme was created by Executive Decree No. 5828-SPPS of 3 March 1976. It was then consolidated legally through the Act No. 6879 Integrating the CEN and CINAI, of 21 July 1983.

389. Since 1952, the Ministry of Labour has been running a Day-care Programme, offering services to working mothers with limited resources. In 1980 the Ministry began to offer the programme nationwide for children between six months and nine years of age. During the coffee harvest, the Ministry provides temporary centres in coffee and sugarcane-growing regions, as well as two large day-care centres.

390. The Ministry of Labour is also responsible for authorizing and supervising the country's private day-care facilities, under the General Act on Nurseries and School Day-care Centres, No. 7380, of 25 March 1994.

391. Furthermore, the Act Promoting the Social Equality of Women provided for the creation of day-care facilities by the State (Articles 9-13).

392. The Community Day-care Programme of the Joint Institute for Social Aid (IMAS) was set up in 1989 with the aim of expanding childcare facilities through a low-cost alternative community service. Under this service, mothers from within the community look after 10 children each, so that other mothers in the community can do paid work. IMAS supports the programme by providing furniture and a monthly sum of money. Women chosen to provide the day-care service receive training designed to improve various childcare skills.

393. Available data is not broken down according to the region or socio-economic status of the beneficiary population. According to data provided by the Ministry of Labour, there are a total of 1,095 childcare centres, of which 560 (51 per cent) are run by the State. The number of private nurseries is rapidly rising, due to growing demand and the limited services response of the Government. Sixty-eight per cent of day-care facilities are located in the province of San José. Around 90 per cent are located in urban regions of the Greater Metropolitan District.

394. More and more women are participating in the country's workforce, and this increases the demand for this type of service. Many of these women cannot afford the cost of private facilities, and this increases the pressure on State-provided services. The options for poor women workers are limited. Staff working at the community centres are not qualified to provide such services. The CEN-CINAI and nurseries run by the Ministry of Labour have limited capacity. As a result, some of the facilities being set up for the care of minors are not very reliable.

395. Under the Labour Code, lactating women are entitled to one hour a day to feed their babies. This right is widely exercised by women working in the public sector. Some private companies recognize this right, but many impose restrictions. In such cases, the right is not exercised, and women fail to report these violations, because they are afraid of losing their jobs. Women who are self-employed, whether in the informal sector or seasonal activities, or in agriculture do not have the opportunity to exercise this right. These women usually take their babies to work with them and feed them whenever they can, with all the implied risks to the safety and health of their children.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technical knowledge and shall be revised, repealed or extended as necessary.

Protective legislation

396. Costa Rica has ratified various agreements and conventions of the International Labour Organization, which protect the labour of women. They are: Convention No. 100 and Recommendation No. 90 ("Equal Remuneration Convention") of 1951; Convention and Recommendation No. 111 concerning Discrimination in Respect of Employment and Occupation, of 1958; and Convention No. 45 ("Minimum Age (Underground Work) Convention"), of 1935. Convention No. 161 concerning Occupational Health Services has not yet been ratified by the Costa Rican State.

397. As mentioned above, Costa Rica does have protective legislation restricting a woman's entitlement to perform unhealthy, onerous, or hazardous work. Under a reform presently under review, this legislation would be

abolished, on the grounds that it discriminates in presuming that women are less capable and are not able to decide for themselves whether or not certain work will be hazardous for them. It also sets a double standard, since, in general, the object of the protection is the reproductive function and care of the family, not the woman as an individual.

Measures to prevent sexual harassment at work

398. On 3 March 1995, Act No. 7476 on Sexual Harassment in the Workplace and in Education was approved. As indicated in paragraph 96, this law provides a functional definition and sets out mechanisms and procedures for reporting and prevention. It also stipulates that all places of employment and education – whether public or private – must regulate the law within a determined period of time.

399. The follow-up activities carried out by the various institutions involved in implementing the Act has identified a number of lacunae, omissions, and problems of interpretation, which require amendments to the text. As a result, a draft reform of various articles is presently being considered. The following points are addressed by the proposed reform:

(a) It seeks to establish clearly that for sexual harassment to exist, there need not necessarily be a formal subordinate relationship. Harassment can also occur among equals (for example, among students or work colleagues) or be perpetrated by a subordinate (for example, between a male student and his female teacher).

(b) It seeks to make clear that harassment can occur not only within employment or educational "relationships" but also in the "employment or educational sphere." For example, an administrative official at an educational facility might be actively harassed by a student, or an executive might demand a sexual favour from a work colleague in return for a business client.

(c) With regard to publicly elected officials, the Act does not specify an agency responsible for investigating reports of sexual harassment. It is considered that since such officials have no superiors, there is no subordination and hence, because of their status, they may not be dismissed. Acts of harassment by these individuals thus go unpunished.

(d) Proposed reform in the matter of evidence, since it is provided that "in the absence of direct foundation of proof, circumstantial evidence shall be taken into account... Consideration of the evidence, in both administrative and judicial processes, shall take into account all manifestations of the reported act, in integral form, and no partial or isolated assessment shall be admitted."[16]

400. The Act in question provides that all public institutions or private companies must implement standards or internal regulations in accordance with the provisions of the law. Although the Act also requires that these measures be taken within three months after its entry into force, this provision has not been complied with. Thus far, this regulation has been applied mainly in the public sector, but not in the private sector. More active intervention is required in this matter on the part of the Ministry of Labour, which is the State institution responsible for monitoring application of the regulation and approving the internal work regulations introduced by private enterprises (see also paragraphs 103 and 104).

Article 12: Equal access to health

> ***Article 12:*** *1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.*

[16] Legislative Assembly of Costa Rica. Draft Reform of Articles 2, 7, 9, 12, 13, 18, 24 and 31 and addition of Article 31a to the Act on Sexual Harassment in the Workplace and in Education, No. 7476 of 3 March 1995. Procedure No. 13094.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, delivery, and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

The health sector: Indicators concerning women's health

401. The health of the Costa Rican population is protected by Article 51 of the Constitution, which guarantees the family's right to State protection. During the 1970s, a series of laws were introduced, consolidating a process of State actions aimed at ensuring respect for the right to health: the General Health Act and reform of the Social Security Act, based on the concept of comprehensive development and its role as a catalyst for progress. Thus, the right to medical care was extended to the whole population. Health was defined as a public good, and the Ministry of Health was given control over the health sector and the power to define national policy.

402. The health sector was created in 1983. It is made up of three ministries and four autonomous institutions: the Ministry of Health, the Ministry of Planning and Political Economy (MIDEPLAN), and the Ministry of the Presidency; the Costa Rican Social Security Fund (CCSS), the Costa Rican Water Supply and Sanitation Institute (AyA), the National Insurance Institute (INS, Occupational Risks Division), and the University of Costa Rica (UCR, through the Institute of Health Research and Department of Medical Sciences).

403. Health is among the areas in which the greatest progress has been made over recent decades. Health-sector indicators have been above the average of many countries in Latin America. This has been due to the development of the health system, as well as the improvements made to the living conditions of the Costa Rican population, and major demographic changes. As far as women are concerned, these advances have been reflected in increased life expectancy at birth, a significant fall in fertility, a reduction in obstetric risks, and improvement in sanitation.

404. Costa Rican legislation contains a range of specific measures to protect women's health, many of which are defined within the context of the Act Promoting the Social Equality of Women (No. 7142). Article 2 of this Act stipulates: "The powers and institutions of the State are obliged to ensure that women do not suffer any discrimination on the grounds of their gender, and that they enjoy equality of rights with men, regardless of their civil status, in all political, economic, social, and cultural spheres, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women, of the United Nations, ratified by Costa Rica under Act No. 6968 of 2 October 1984".

405. Women's rights in specific areas are protected by: the Labour Code, the General Health Act, the Criminal Code, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, the Domestic Violence Act, and the Act on Sexual Harassment in the Workplace and in Education.

406. Although Costa Rica has traditionally devoted a large share of its budget to health and education, both sectors have sustained budget cuts over recent years. This has had a negative impact on the quality and accessibility of services. It should also be noted that the health system continues to make reproductive health and maternal and infant health the focus of women's health-care services.

407. Total, maternal, and infant mortality rates have all fallen. The leading causes of death for men and women are quite similar, with the exception of accidents, which are more common among men. With respect to deaths from cancer, women are more likely to die from cancers of the reproductive system, which account for 25.4 per cent of all deaths, most of which are preventable. Women tend to neglect their own health in order to cater to the needs of others, and lack adequate access to prevention and early-detection services. They are,

however, attending health facilities more often regarding medical problems related to their reproductive processes. Maternal mortality has fallen dramatically, although abortion is number one among all causes of death specified, and the number of hospitalizations due to abortions is rising.

408. Although fertility has fallen, it remains high among women of a low education level, poorer women, and women from urban regions, despite the accessibility of contraceptive methods. These same variables are linked to a greater degree of resistance on the part of male partners to the use of safe methods of contraception.

409. Within the context of the PIOMH and the PLANOVI, the health sector has implemented a range of actions aimed at improving women's health, encouraging them to help manage health services, and providing adequate sexual and reproductive health. The purpose of these actions is to ensure access to comprehensive, efficient, and confidential actions at the national level, ensuring both that all women have access to psychological health, recreation, and a life free of violence.

Medical care provided specifically for women

410. The provisions of medical care is mandatory at social security clinics and hospitals. As indicated above (paragraphs 376 to 380), social security services have a very broad coverage, reaching 85 per cent of the population, including women. The health sector has implemented a range of measures at the community level, through the Basic Comprehensive Health Care Teams (EBAIS), to improve primary and secondary medical services.

411. Women's health care continues to focus on gynaecology and on maternal and infant care, with the emphasis on women's reproductive function. This approach neglects other areas of women's health, such as mental health, cancer prevention, cardiovascular disease, nutrition, and others.

412. As already described, under the aegis of the CMF, and through implementation of the PIOMH, the gender approach has been an integral part of efforts to transform the health sector. The purpose of those efforts has been to provide comprehensive health-care services that will bring a sustained improvement in people's quality of life, focussing on prevention and education and seeking to incorporate the gender approach in research, prevention, and care on a systematic, crosscutting basis.

413. Measures taken under the PIOMH are designed to create an environment in which women can participate actively as managers of health services; to provide women of all ages with access to comprehensive, efficient, and confidential services in the areas of sexual and reproductive health, mental health, and recreation; and to incorporate the gender approach in the initial and ongoing training of health-care personnel.

Primary care services and the comprehensive care of women's health

414. Under the health-sector reform plan, a series of measures are being taken to provide women with comprehensive services for prevention and medical care. However, those measures continue to focus on women's reproductive health and maternal and infant care.

415. In an effort to meet the health needs of specific sectors of the female population, a number of coordinated measures have been taken under various national plans. In addition to the measures implemented under the PIOMH, the "Women" component of the National Poverty Plan ("PNCP/Women") provides a range of policy measures aimed at providing comprehensive medical services to cater to the health needs of women affected by poverty, especially women heads of household and adolescents. Furthermore, under an inter-institutional and intersectoral strategy the National Plan for the Care and Prevention of Domestic violence (PLANOVI) includes a comprehensive policy for the prevention and care of violence against women. This approach represents significant progress in the application of a comprehensive health-care service that incorporates women's health as a central component of the processes involved.

416. The Code on Children and Adolescents, which was approved in February 1998, sets out a range of specific regulations concerning child and adolescent health.

(a) Article 50 states that public health centres must provide pregnant girls and adolescents with appropriate medical services during pregnancy and birth.

(b) Whenever necessary, they must also provide nutrition for mothers and their infants during the lactation period.

(c) Girls or adolescent mothers have a right to be treated in a dignified and respectful manner by staff of health services and hospitals.

(d) In special situations, in which the health of the mother and newborn child is in danger, both are entitled to preferential treatment. Under the Code, the CCSS must also guarantee that mothers carrying the HIV virus receive the available medical treatment in order to prevent transmission of the infection to the unborn child.

(e) Pregnant girls or teenagers, or mothers in conditions of poverty shall have the right to receive comprehensive care from the State through programmes implemented by the institutions concerned.

(f) During the prenatal and lactation period, mothers shall receive a financial subsidy. In order to qualify for this benefit, the mother must participate in training programmes run to this effect by the competent institutions. The resources deployed must aim to provide services that are comprehensive, rather than merely subsistence benefits, in order to guarantee the human and social development of the individual concerned.

(g) With regard to maternal lactation, it is provided that both public and private institutions and employers must guarantee that mothers of minor age benefit from appropriate conditions for maternal lactation. Failure to comply with this provision will be sanctioned as an infraction of labour laws, as set out in the Labour Code.

(h) In the educational sphere, educational institutions, both public and private, are prohibited from taking disciplinary measures against students on the grounds of pregnancy. The Code provides that the Ministry of Education must implement a system that enables pregnant girls or teenagers to continue or complete their studies.

417. On 19 December 1997, the General Act for the Protection of Teenage Mothers was passed, regulating all policies, actions, and preventive and support programmes implemented by governmental institutions for the benefit of teenage mothers.

Reproductive health and family planning

418. The General Health Act guarantees women's right to receive information and care in the areas of general health, reproduction, and family planning.

419. The Ministry of Health conducts information and dissemination campaigns on reproductive health, family planning, and maternal and infant health (see also paragraphs 353 and 354).

420. The CCSS runs a specialized programme on reproductive health, including information and education campaigns on reproductive health and sex education. It also provides family-planning services.

421. Various non-governmental organizations carry out programmes in this area, notably the Costa Rican Association of Demographics and the Association for Family Welfare (PROFAMILIA).

422. Since the 1960s, awareness and use of contraceptive methods among Costa Rican women have been high. This explains the fall in fertility. According to the 1993 National Survey on Reproductive Health, around 70 per cent of women who were in a sexual relationship used some form of contraception:

Sterilization	19%
Modern methods (birth control pill, IUD, injection)	28%
Traditional methods (condoms or vaginal barriers)	13%
Natural methods (rhythm, withdrawal, Billings)	7%
Total	100%

423. Women's degree of contraceptive use is linked to their educational and socio-economic level and to whether they live in urban or rural areas. Younger women (those under 29) make frequent use of modern methods, primarily. The next most common are barrier methods. Older women have a greater tendency to use surgical methods.

424. Information about birth-control methods is widely available. The largest provider of family-planning methods is the CCSS, followed by the Ministry of Health. Next come individual pharmacies, private doctors' surgeries, and retail outlets (supermarkets, grocery stores, bars, dispensaries, etc.).

425. Despite this varied supply, access is difficult for those with a lower education level or who live in rural or semi-urban areas, and these are the very population groups with the highest fertility rates. Moreover, condoms offered at health-care institutions vary in quality, and this partly explains why unwanted pregnancies occur.

426. No information is available about the number of men and women using contraceptive methods, by method used (in relation to the total population of reproductive age and the population using contraceptive methods). However, various National Surveys on Reproductive Health (1986-1993) confirm that those factors associated with the degree of resistance by male partners to using contraceptive methods are the same factors that determine whether women use them: level of education and income and area of residence.

427. Costa Rican women do not have free access to sterilization as a birth-control method. The existing Regulation on Sterilization envisages authorization of sterilization by a Medical Committee, which evaluates each case on the basis of graded medical criteria: health risk of another pregnancy, number of pregnancies, number of caesarean sections, and age of mother. For a certain period, there was also a requirement that the husband provide written authorization for the sterilization. A resolution by the Constitutional Chamber (No. 2196-92 against Articles 5-12 of Decree 18080-S) has since ruled that this requirement discriminated against women, because it affected their freedom of choice. The CMF proposed that the Ministry of Health make a number of amendments to the Regulation, in order to eliminate discriminatory criteria and procedures. This proposal has not yet been put into effect.

Voluntary pregnancy termination

428. Costa Rican legislation, through the Criminal Code, sanctions abortion or voluntary pregnancy termination as crimes:

(a) Article 118: defines abortion with or without consent as that which causes the death of a foetus inside the womb or leads to its premature expulsion. It is punishable by 3 to 10 years in jail when the abortion is performed without the consent of the woman or if the woman is under 15. When the foetus is six months old, the penalty ranges from 2 to 8 years in prison. The penalty is reduced to 1 to 3 years if the abortion is performed without the woman's consent. In this case, when the foetus is six months old, the penalty ranges from six months to two years.

(b) Article 119: defines "procured abortion" as that provoked by the woman. It is punishable by one to three years and six months to two years in prison when the foetus is six months old.

(c) Article 120: defines "aborto honoris causa" as that where the woman causes the termination of her own pregnancy in order to hide her dishonour or does so with the help of others, with her consent. It is punishable by a sentence of between three months and two years.

(d) Article 121: describes "aborto impune," which is abortion that may not be punished. This must be practised by authorized health-care personnel, and requires the consent of the woman. It may be practised only to prevent danger to the life or health of the mother and wherever such danger may not be prevented by other means.

(e) Article 122: defines "aborto culposo" as that caused without premeditation. It is punishable by a 60-120 days fine.

429. Although incomplete, available data indicate that abortion has a major impact on the reproductive health of Costa Rican women, due both to its contribution to maternal maternity and to the conditions under which it is practised. Health professionals who work with this issue note that only a small proportion of voluntary abortions are performed under the supervision of health-care personnel and most are performed without the knowledge of the health system. This makes it difficult to design preventive and health-care measures that will prevent women from dying or ensure that their condition does not deteriorate.

430. Maternal mortality has fallen steadily and significantly over the past forty years. In 1981, Costa Rica's maternal mortality rate was among the lowest in Latin America: 3.6 per 10,000 live births. During the 1980s, the rate continued to decline, although at a more gradual pace. In the late 1990s, the rate stood at 2.0, representing 0.5 per cent of all female deaths (Institute for Women's Studies, Spain, and Latin American Faculty of Social Sciences (FLACSO), 1993). Note that the leading cause of maternal death is abortion (including induced abortion) which accounts for 25 per cent of specified deaths.

Protecting the health of working women

431. The Constitution and the Labour Code protect the health of men and women workers without discrimination as to gender.

432. The Act Promoting the Social Equality of Women states that working mothers and fathers have a right to access support services for the care of their minor children and to the means to pay for them (Articles 9 to 13). The Act also includes other regulations regarding protective measures related to unhealthy and hazardous work and the maternity of working women (Article 32).

433. There are no specific legal regulations protecting the health of women working in the informal sector of the economy, which accounts for a significant portion of the female workforce. Nor is there effective protection for women who work as temporary labourers in the agriculture, agribusiness, and factory sectors, those who do piecework in their homes, work for joint production companies (income-generating productive groups and self-managing cooperative enterprises), or work as managers of community day-care centres[17] (see also paragraphs 376 to 380).

434. Since 1975, the Costa Rican State has taken a number of measures designed to develop and strengthen childcare facilities as a support service for women who work, women who study, and those with socio-economic difficulties. As noted above, there are a number of institutions responsible for developing, supervising, and running various services together with the private sector (see also paragraphs 387 to 394).

435. There is a draft law presently under review (Procedure No. 12498) for the promotion of the General Act on Childcare Centres and School Day-care Centres. The Act Promoting the Social Equality of Women envisages the

[17] These women are responsible for looking after groups of around 10 children of mothers in their communities, who are studying or working. They receive a subsidy in cash and in kind (equipment, materials) from the Joint Institute for Social Aid (IMAS). Some mothers pay for this service directly.

creation of day-care centres by the State. It also states that both employers and as social organizations (e.g. community associations, cooperatives, unions) shall help run such centres, as a way to promote the activities and the social development of working women.

Violence against women

436. With a view to providing a comprehensive response to a national problem, in a specific area that is extremely complex and has serious implications for society, the CMF has promoted implementation of the "Operational Plan for the Care and Prevention of Domestic violence" (PLANOVI). The main goal of this plan is to set up an inter-institutional and community system to organize the efforts of State and civil society to deal with and prevent the violence suffered by women and children within Costa Rican households.

437. The State institutions that make up the PLANOVI are: Ministry of Health, Costa Rican Social Security Fund, Ministry of Justice, Ministry of Public Security, Ministry of Education, Ministry of Labour, Ministry of Housing, National Children's Office, National Apprenticeship Institute, and Public Commissioner.

438. A number of non-governmental organizations also participate in the plan: PANIAMOR Foundation, PROCAL Foundation, CEFEMINA, the Pancha Carrasco Feminist Collective, the Latin American Institute for Health Promotion and Education, and the Costa Rican Women's Alliance.

439. The plan has five main strategic components: care, prevention, detection, access to support services, and shared learning.

440. With regard to care, the following achievements are of particular note:

(a) Design, implementation, and evaluation of a comprehensive care model operating at the local level. This model was introduced in pilot form in 1996, in the canton of Goicoechea (among the most populous cantons of the capital, San José) and was then extended to San Ramón (in the province of Alajuela) and Limón in 1997.

(b) The creation of Offices for the Active Promotion of Women's Rights. Here, the intention was to decentralize the various types of care available and answer the growing demand for services through offices that provide information and spread awareness in general about women's rights at the local level, and also offer legal advocacy services, legal aid, and emotional support to women in the community who are victims of domestic violence (see paragraphs 177 to 180). This initiative operates in conjunction with the free telephone help line entitled "Break the silence," which is run from the CMF's central offices, and offers consultation and referrals in the area of domestic violence.

(c) The creation and consolidation of interdisciplinary committees on domestic violence at five of the country's hospitals, and the creation and strengthening of seven local care and prevention networks around the country.

(d) Reinforcing and expanding the Temporary Shelters for Abused Women programme (see paragraphs 204 to 207).

441. In the area of prevention, the PLANOVI has conducted a number of campaigns to raise the awareness of the Costa Rican people as a whole, and provide them with information. The campaign "For a life without violence," which involved a number of different phases, significantly increased people's awareness of the right of women to live in peace, the need to report the aggressor, and the protective measures to which a woman and her children are entitled in the event of an act of violence (see paragraphs 129 to 132).

442. The PLANOVI is based on the premise that domestic violence as a phenomenon is produced by a process of socialization in which women, children, and seniors are subordinate objects. It is based on actions aimed at reversing those behaviour patterns by training civil servants at the various State institutions and

non-governmental organizations that serve the public, as well as community groups. Working experience in this area led to the development of an alternative teaching model for shared learning on domestic violence, using an interdisciplinary and intersectoral approach. Five shared-learning models were also developed (series entitled "Becoming aware of, thinking about, and confronting domestic violence"), which range from raising people's awareness of domestic violence to basic aspects of domestic care. Finally, a brochure on domestic violence was created, to raise the awareness of community groups, including a module for facilitators. As part of these efforts, training was provided to more than 1,500 professionals and staff of the various institutions that make up the committees responsible for implementing the PLANOVI, as well as professionals from the interdisciplinary teams of the Programme on Urban and Marginal Schools and the first phase of a programme to train a legal support team (see also paragraph 122).

443. Efforts were also made to promote ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, as well as approval of the Domestic Violence Act, which makes the CMF responsible for public policy on the prevention and detection of violence, the care of victims, and their integration into the workforce. Support was also provided for approval of the Act on Sexual Harassment in the Workplace and in Education. Furthermore, efforts were made to provide that 25 November would be declared (through Executive Decree) the National Day of Non-violence against Women. In order to spread awareness of these legal instruments, the CMF produced and distributed around the country a number of specific publications and posters, and held several workshops on this theme.

444. With the aim of raising the treatment of domestic violence to an institutional level, sectoral committees were set up. Of particular note in this context are the Committees of the Health Sector, the Supreme Court of Justice, the Judiciary, and the Ministry of Public Security.

445. The PLANOVI has also placed particular emphasis on conducting research and studies in this area. An inventory of the country's existing programmes and services in domestic-violence care, prevention and training was drawn up and published in a directory of services offered by 74 agencies. A joint study/national opinion poll was also conducted (with the help of the University of Costa Rica's Institute of Psychological Studies) to explore the incidence, prevalence, and perception of domestic violence and attitudes toward it among the Costa Rican population. Another study examined the readiness of the judicial system to offer adequate, effective services to women victims who requested them. Another survey was conducted to determine whether public departments and other organizations kept records of the causes of domestic violence and also the nature of any such records. Finally, the study "The critical route of abused women" was carried out, with the support of the PAHO/WHO Programme on Women, Health and Development. The aim of the study was to determine the "route" that that abused women take when they decide to break the silence and ask for help.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, delivery, and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Legislation and other measures

446. Pregnancy, delivery, and the post-natal period are discussed in the paragraphs relating to Article 12, Paragraph 1 of the Convention. Within the present context, the points noted in paragraphs 371 to 373 and 376 to 386 should also be taken into consideration.

447. A little more needs to be said about the labour environment. As mentioned above, it is illegal to dismiss a worker because she is pregnant or lactating (Article 94 of the Labour Code). Women workers who are dismissed are entitled to demand that they be reinstated or compensated for damages, but the legal process involved is long and complex. In practice, many employers dismiss women who become pregnant, paying them the wages equivalent to their maternity leave and other allowances to which they are entitled as a result of unfair dismissal.

This practice is illegal, because the right may not be renounced. However, many women prefer to accept this rather than become involved in a long and complex process.

448. The Costa Rican State is aware that action needs to be taken to reform current regulations, in order to simplify and streamline the procedure. As part of that action, the Ministry of Labour must implement a system for registering and reporting violations of the legal regulations protecting women's labour rights. This system should involve private enterprise and State institutions, and would make it possible to monitor the situation on a consistent basis and design effective measures.

449. The Labour Code and the Act Promoting the Social Equality of Women grant entitlement to leave both before and after delivery, including women who adopt a minor, as well as compensation for dismissal in the event of pregnancy or during the postnatal or lactation period. These significant labour regulations and maternity guarantees are largely respected by public institutions, but much less by private enterprise. As already mentioned, in many cases, private companies do not hire women, for fear that they will become pregnant. Instead, they either hire temporary workers, in order to avoid their obligations, or resort to subtle methods to detect the pregnancy early and dismiss the woman before she is aware of her status.

450. In this regard, the Constitutional Chamber passed Resolution No. 6262-94 regarding an action for unconstitutionality with respect to Article 32 of Act No. 7142 and Article 94 of the Labour Code on the dismissal of a pregnant or lactating woman. With this resolution, the Chamber resolved that the powers of the Office of Labour Inspection may be understood as materially jurisdictional functions, entrusted to the administration, which concern the judicial process, and do not have the character of a judged fact. A pregnant worker must present to the Office of Labour Inspection or to the judge of the Labour Court evidence that she is indeed pregnant or in the lactation period. As evidence, she may submit a medical certificate or written evidence from the CCSS. These are evidentiary facts, not formal requirements that might be presented as impediments to exercise of the law. In other words, the fact of pregnancy or lactation prevents the employer from dismissing the woman, provided that the worker has not committed a grave offence under the terms of Article 81 of the Labour Code.

Maternity leave, maternity subsidy, and promotion of maternal lactation

451. Article 95 of the Labour Code states that women have the right to leave of one month before the delivery and three months after the delivery. This article also guarantees leave of three months for the adoption of a minor. This provision represents recognition of the social function of maternity.

452. Furthermore, Article 97 gives lactating mothers the right to 15 minutes every three hours or a half an hour twice a day to feed their infant. This right is not extended to women who feed their infants milk substitutes. It is difficult for many working mothers to feed their babies due to the genuine difficulties they encounter in trying to take their children to their workplace or returning home twice a day. Some companies and institutions allow mothers to withdraw for one hour before she concludes her regular working day, in compliance with this right.

453. Article 100 of the Code requires all employers having more than 30 women employees to provide a suitable space for women to feed their infants in safety. This measure is difficult to implement. It is rather impractical, however, because it requires the employer only to provide the physical space, not to employ staff to look after the infants in between feeding times.

454. Following ratification of the Convention, Act No. 7430 Promoting Maternal Lactation was presented on 14 September 1994. The purpose of the Act is to promote safe and adequate nutrition of lactating mothers, by educating families and protecting maternal lactation, implementing actions and policies to support lactating mothers and control the marketing of milk substitutes.

Article 13: Finance and social security

Article 13: States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

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(a) The right to family benefits.

Equal access to social and family benefits and, in the case of self-employed workers, to social security

455. There are no provisions regarding access to social and family benefits that discriminate against women (see paragraphs 376 to 380).

456. Under the Social Security Act, self-employed workers are entitled to social security coverage under a system of monthly contributions, paid on a voluntary basis. This coverage applies only to sickness and maternity services, not to the Disability, Old Age, and Decease Scheme. As a result, many women workers in the informal sector, such as domestic and temporary workers, are at a disadvantage because they are not entitled to retirement or invalidity benefits. However, there is also the Non-contributory Pension Scheme, which provides pensions to individuals of limited economic resources who have not been able to access benefits provided under other schemes.

457. The "Women" component of the National Poverty Plan provided for a series of social and family benefits for poor women living in rural and semi-urban areas, especially women heads of household and teenage girls who are pregnant or mothers. These benefits are intended as ways to promote equal opportunities within these population groups. Around 30,000 poor women heads of household (67 per cent of this population group) have received various benefits under this scheme.

(b) The right to bank loans, mortgages and other forms of financial credit.

458. Costa Rican legislation guarantees women's legal capacity to obtain credit, take out a mortgage, to sell, and to carry out commercial transactions, without imposing conditions that are different from those imposed on men. However, it is difficult for many women to access credit and take out a mortgage, because they do not have assets in their name, and they either do not have a record of income or guarantors to support them. Furthermore, banking procedures are often long and complex. Those procedures also take place at times that conflict with women's double work day and involve payment systems that do not fit well with women's lives.

459. Most banking institutions do not keep sex-disaggregated customer records. It is therefore hard to determine the volume of loans and mortgages taken out by women. The only available data comes from banks offering credit cards specifically for women, designed to encourage microbusinesses. Those bank are the Banco de Costa Rica and the Banco Popular y de Desarrollo Comunal.

460. The Banco de Costa Rica offers line of credit for women, which made 689 investments during the period 1992-1996, for a total of 438,812,748.80 colons (1,907,881.52 dollars). The average investment amount was 2,769.06 dollars. This bank also manages the Credimujer fund, an NGO supplying credit to women.

461. The number of women receiving housing and personal loans from banks and savings and loans institutions is known to be high. However, data is not available in most cases, because banking institutions do not believe it is important to break it down by gender. All institutions require, by way of guarantee, the wages of the individual requesting the loan, two guarantors or two mortgages on property. In many cases, women are not wage earners or do not have assets. Consequently, even though they are in a position to repay the loan, they must turn to relatives for help.

462. Women continue to have limited access to credit, mortgages and other forms of financial credit. This is especially true in the case of women producers and entrepreneurs. Although women do not require their husband's consent to obtain loans or perform banking transactions, they are disadvantaged by cultural patterns that present real obstacles in terms of qualifying for loans. In Costa Rica, most family assets are registered under the husband's name. This restricts women's access to mortgages, for example. Also, banking institutions and cooperatives are organized under male-centred criteria, which continue to assign financial responsibility to the man.

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

463. As mentioned earlier in this report (paragraphs 351 and 352), women have increased their participation in recreational, sporting, and cultural activities. This is especially true of girls, teenagers, and young adult women. For many years, women's participation in recreational and cultural activities was restricted to the private domain. Sport was regarded as a male affair. Although the segregation of men and women persists in some activities, the last 20 years have brought a notable increase in women's participation in organized sports and in culture (an area in which women dominate).

464. The PIOMH includes a range of policies designed to promote women's equal access to sport, recreation, the opportunity to develop their creative abilities, as well as to culture. Together with the Ministry of Culture, Youth, and Sports, and the Ministry of Education, a campaign is being conducted to promote various forms of recreation and sport among women of different ages. The campaign is complemented by a number of projects and actions implemented within communities and schools.

Article 14: *Rural women*

Article 14:

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

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Measures to protect women farmers, agricultural and seasonal workers

465. The Labour Code contains general, non-specific regulations for the protection of labour, protecting agricultural, temporary, and seasonal workers. Although there is no discrimination in the text of the law, women from these categories of workers are unprotected, because they have no access to social security, social benefits, or vacations. Furthermore, their working conditions are poor, generally involving exposure to pollution, long working days, and low pay.

466. A large proportion of rural women work in agriculture and in temporary and seasonal activities, but their participation is not recorded in the statistics and the women themselves do not report such activities as work, seeing them instead as an extension of their domestic responsibilities. Women farmers generally work the family plot, as an unpaid family workforce. Temporary and seasonal jobs generally become available during the coffee harvest, in the banana packing factories, and during the harvesting of melons, watermelons, flowers, and other agricultural export products.

467. There are no reliable statistics concerning the seasonal and temporary work of men and women. The fact that the women themselves regard their participation in such activities merely as an extension of their domestic work encourages the tendency to disregard them when formulating rural-development policies.

468. The tendency to disregard women's contribution to the rural workforce is reflected in Table 32. Women involved in agricultural work accounted for scarcely 5.5 per cent of the female economically active population (FEAP) in 1992. Male agricultural workers accounted for 32.1 per cent of the male economically active population in the same year. This failure to account for women's contribution reinforces gender stereotypes concerning the participation of rural women to production and employment. Consequently, women do not tend to be taken into account during formulation of development policies and programmes.

Table 32

Costa Rica: employed population by gender and sector(1983-1992)

Relative figures

Sector of activity	*1983*	*1987*	*1992*
Both sexes			
Agriculture	28.3	28.3	24.2
Industry	21.8	24.9	26.6
Services	49.9	46.8	49.2
Total	100.0	100.0	100.0
Men			
Agriculture	36.2	36.4	32.1
Industry	21.8	25.5	27.3
Services	42.0	38.0	40.6
Total	100.0	100.0	100.0
Women			
Agriculture	5.1	6.3	5.5
Industry	21.7	23.2	25.0
Services	73.2	70.5	69.5
Total	100.0	100.0	100.0

Source: Institute for Women's Studies, Spain, and FLACSO. Latin American women in figures. San José, Costa Rica. FLACSO. 1994.

469. Over the past 20 years, rural women have been participating more and more in production and in the generation of income. Their participation has been influenced by factors such as level of education, family poverty, agricultural and ecological conditions in the region, and the proximity of urban centres. Over the past 10 years, more and more opportunities have been created for rural women to take salaried jobs. This process has been driven by the liberalization of trade in non-traditional products (flowers, fruits and vegetables, garden plants, and tubers), with women being hired to help with harvesting, grafting, packaging, and processing jobs.

470. Women working on the family plot increased their participation, in some cases, because their husbands and other male family members migrated, either temporarily or permanently, to planting regions or to the city and, in other cases, because they joined the family unit in the production of non-traditional products for agricultural export companies.

471. Despite the active and real participation of rural working women in production and in the generation of income, their access to State-owned productive resources and support services continues to be limited. This is reflected in low production, productivity, and income levels, as well as in poor working conditions, especially among women in rural areas with higher poverty levels.

472. Open unemployment among men and women is higher in rural areas. The open unemployment rate for women in 1996 was much higher than in 1991. This indicates a reduction in opportunities for paid employment in this sector, an accelerated deterioration in their working conditions, and greater impoverishment. The rate for women was almost double that for men in 1991. The unemployment rate among women is proportionately much higher than among men. In some regions of the country, there are no sources of employment for women, whether in their own communities or in neighbouring areas. As a result, they are obliged to migrate to cities as domestic employees or factory workers.

Table 33

Costa Rica: open unemployment rate among men and women, shown by region

(1991-1996)

Open unemployment rate by region	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Nationwide						
Women	7.4	5.4	5.3	5.8	6.5	8.3
Men	4.8	3.5	3.6	3.5	4.6	5.3
Urban regions						
Women	6.7	5.4	4.8	5.1		7.6
Men	5.6	3.7	3.6	3.8		6.0
Rural regions						
Women	8.3	5.4	5.8	6.6		9.2
Men	4.1	3.6	3.6	3.2		4.8

Source: Department of Statistics and Census. *Households and General Purposes Survey.* San José, Costa Rica, DGEC. 1997.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels.

473. Traditionally, rural women have not been included in the formulation and implementation of development plans, due to the prevalence of male-centred concepts among those responsible for formulating and implementing policies. Whereas men are persistently referred to as participants and protagonists in production, women's contribution is regarded as temporary and of little significance.

474. Since the 1980s, a number of more systematic measures have been taken to deal with the issue of rural women. Those measures have focused on strengthening rural education and improving access to secondary technical education; self-help and cooperative programmes for generating income; improving the quality of, and access to health programmes; ownership; rural housing; and expanding the coverage of agricultural extension programmes.

475. With a view to accelerating compliance with the commitments made by the Costa Rican State through its ratification of the Convention and in the Beijing Platform for Action, various measures were taken to deal with the urgent needs of this population sector from a gender perspective. In 1997, as an extension of the PIOMH, approval was given to an Addendum for the agricultural and environment sectors (paragraph 186), based on the general guidelines of policies formulated by the agricultural sector and designed in accordance with the guidelines for equity determined by the PIOMH at the national level.

476. The objectives of the Addendum reflect the principles set out in the Convention with respect to rural women:

(a) To improve institutional mechanisms designed to guarantee equal opportunities for women regarding access to services offered by the agricultural and environment sectors and to strengthen mechanisms enabling women to reap the fruits of their productive work;

(b) To recognize and value the work of rural women in agricultural and livestock production, their contribution to the agricultural workforce, and their role in the community;

(c) To increase the competitiveness of small-scale women producers, by improving the productivity and efficiency of their agricultural work and increasing their participation and representation in decision-making;

(d) To encourage the participation of rural women in activities helping to guarantee food security and generate greater added value;

(e) To contribute to the empowerment of women as catalysts for development, by creating ways to control the factors of production such as land, labour, capital, income, the market, and others.

477. Actions designed to achieve gender equity in this area address both supply and demand of productive resources aimed at promoting and implementing rural development. In order to promote these initiatives, within this specific context (the Addendum), six strategic focuses were defined, aimed at promoting and improving the efficiency of rural women in the activities in which they had traditionally been involved. Efforts were also made to promote their involvement in activities designed to restructure production under conditions of equal opportunities. The Addendum also seeks to guide the activities of rural men and women, in an effort to meet existing needs, without compromising the stability and well-being of future generations.

478. The six strategic focuses are: equal opportunities regarding access to, and control of land; equal access to, and control of natural resources and sustainable management of those resources; equal opportunities in access to rural funding; equal opportunities in access to, and control of services for technology transfer and training; equitable access to labour markets and to agricultural and non-agricultural jobs, and taking proper account of the work done by men and women producers; and equal opportunity in business management (marketing and agribusiness).

479. These strategic focuses interrelate with three key elements that cut across the entire agricultural and forestry production process: participation, as a permanent feature of the entire decision-making process; information, as an essential part of the globalization process and new modes of production; and organization, which is a crucial factor in efforts to restructure the agricultural sector to ensure access to services provided by sectoral institutions.

(b) To have access to adequate health care facilities, including information, counselling and services in family planning.

480. As indicated in the discussion of Article 12 of the Convention, above, Costa Rica has an extensive disease prevention and health-care system to attend to the population's health needs. This has made it possible to maintain adequate health indicators for the male and female population. However, regarding access to health-care and family-planning services, there are differences between urban and rural areas - especially isolated rural areas, where poverty is greatest.

481. Sanitation and the quality of housing present far more serious problems in rural areas than in urban areas, especially with regard to the availability of water during the dry season, access to sanitation and bathing facilities, and basic services. In the case of areas located farthest from urban centres and those where the population is most scattered, access to health services is problematical. In comparison with national indicators, levels of malnutrition among infants and women in those areas are higher, while health indicators are lower, fertility rates are higher, and the incidence of risky pregnancies is higher.

482. The rural primary-care projects developed during the 1980s, offering extensive and effective community programmes, have been hit by budget cuts. Those projects are now limited to medical interventions and considerations of coverage, with the result that access to basic health services, as well as family-planning information and services, has been negatively affected – especially for women, as recipients of personal and family health care.

483. One of the responses of the State, within the context of health-sector reform, has been to introduce decentralized service alternatives. The Basic Comprehensive Health Care Teams (EBAIS) work within the communities to improve access to services and their quality, especially in those areas that are most lacking in basic health infrastructures.

484. Since 1994, and within the framework of the PIOMH, the Ministry of Health and the CCSS began to introduce a range of measures to improve women's health. Those measures have focused on sensitization and training of health-team staff, changes in legislation to provide smear tests and family planning for teenagers; expansion of specialist services in menopause and the climacterium; improvement of programmes on nutrition, reproductive health, and sexual health; development of campaigns on users' rights; and strengthening of community responsibility for health care, to reduce women's work burden.

485. Training was provided to most rural EBAIS in how to apply a gender-sensitive approach to the problem of women's health, but little progress was made regarding services for adolescents, because the CCSS focused on urban areas when introducing its Adolescent Clinics pilot project. The EBAIS have introduced services for the diagnosis and early detection of breast cancer and situations of domestic violence, as part of these efforts to introduce gender criteria into medical care. A campaign was also conducted on users' rights. The Ministry of Health strengthened programmes on nutrition, reproductive health and sexual health in rural areas, by introducing benefits and innovative group-intervention alternatives.

486. Rural women, especially those with the lowest income and the least education, have high fertility rates (4.2 children per woman, according to the 1993 Fertility Survey) compared with the national average. The Ministry of Health and the CCSS have, through the EBAIS and the health centres, taken steps to improve dissemination and mechanisms to improve access to family-planning methods for men and women living in rural areas.

487. Women employed in the banana plantations and in agribusiness companies face serious health risks, due to their working conditions and random exposure to agrochemicals. Although periodic inspections are carried out at State institutions charged with monitoring compliance with related regulations, a technical study needs to be conducted to determine the impact of this situation and formulate policies for a comprehensive approach to the problem.

488. For its part, the "Women" component of the National Poverty Plan ("PNCP/Women") has tried to have an impact on the causes of the feminization of poverty, increasing and providing new opportunities for poor women in rural and urban areas. As mentioned above, two sectors of impoverished women have been given priority: women heads of household, pregnant teenagers, and teenage mothers. One of the priority action areas of this component is health. The Rural Subcommittee is responsible for coordinating the efforts of the State institutions in charge of providing health services. Coordination of welfare services, training and literacy programmes, and health and nutrition services for rural women has been strengthened accordingly, and their quality and scope increased. The staff responsible for providing these services were trained in the gender needs of rural women.

(c) To benefit directly from social security programmes.

489. As mentioned above, around 80 per cent of women have access to State-run health services, through some form of social security: the CCSS's Maternity and Sickness Scheme and its Invalidity, Old Age, and Decease Scheme; the Occupational Risks Scheme of the National Insurance Institute; State Social Security; and the Non-contributory Pension Scheme.

490. Although coverage of rural areas is quite extensive, it is less so than in urban areas. In 1996, coverage of all kinds of health insurance among rural women was 79.59 per cent. In urban areas, 84.71 per cent of women had health insurance.

491. A large number of rural women, especially the poorest, are excluded from pension schemes covering occupational, retirement, invalidity, and death risks. This is directly related to the way rural women participate in the labour market. Although they are producers and workers, most participate as members of the unpaid workforce, as temporary and seasonal workers, or as self-employed workers.

492. The various government administrations of the past 20 years have taken a range of different measures intended to provide coverage for rural women who do not have access to regular schemes. A significant number of poor rural women have been able to access pensions and social security, in order to receive health services, through the Non-contributory Pension Scheme and State insurance.

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency.

493. Nationally, the people's levels of education break down as follows: first, there is a broad base of adults with primary-level education or less (60 per cent), a second group with a secondary education (30 per cent), and a third group comprising those with a university education (10 per cent). (Institute for Women's Studies, Spain, and FLACSO.)

494. Generally speaking, the situation of women is similar to that of men, but some differences do become apparent when one compares the situations in urban and rural areas. As tables 34 and 35 confirm, in rural areas, the illiteracy level is higher among men, but a far higher proportion of women have not completed their primary studies. At other levels, the differences are minimal. Secondary technical education is not a major alternative, either for men or women, since scarcely 2 per cent of the rural population attends this type of training.

Table 34

Educational levels of the population,* by gender. 1992

Educational level	*Both sexes*	*Men*	*Women*	*Women/total (%)*
None	5.8	5.7	5.8	52.1
Primary incomplete	23.5	23.4	23.5	51.4
Primary complete	31.5	32.2	30.7	50.0
Secondary incomplete	17.5	17.3	17.7	51.9
Secondary complete	9.6	8.7	10.4	55.6
Tech. Sec. Incomplete	0.9	0.9	0.9	50.2
Tech. Sec. Complete	1.1	1.1	1.1	51.5
Quasi-university	0.5	0.4	0.5	52.6
University	8.8	9.1	8.6	49.9
Unknown	0.8	1.1	0.7	40.0
Total	100.0	100.0	100.0	51.3
Absolute	2,112,175	1,029,312	1,082,863	

* = Population over 12 years old

Source: Institute for Women's Studies, Spain, and FLACSO. *Latin American women in figures: Costa Rica*. Santiago, Chile. 1993.

Table 35

Educational levels of the population,* by gender, in rural areas. 1992

Educational level	*Both sexes*	*Men*	*Women*	*Women/total (%)*
None	8.1	8.2	7.9	48.7
Primary incomplete	29.1	28.9	29.4	70.0
Primary complete	37.7	38.4	37.0	48.7
Secondary incomplete	13.1	13.0	13.2	49.9
Secondary complete	5.5	4.9	6.1	54.7
Tech. Sec. Incomplete	1.1	1.1	1.1	48.9
Tech. Sec. Complete	1.2	1.2	1.3	51.1
Quasi-university	0.2	0.3	0.2	45.3
University	3.3	3.2	3.3	50.6
Unknown	0.7	0.8	0.5	38.9
Total	100.0	100.0	100.0	49.6
Absolute	1,142,847	576,071	566,776	

* = Population over 12 years old

Source: Institute for Women's Studies, Spain, and FLACSO. *Latin American women in figures: Costa Rica.* Santiago, Chile. 1993.

495. A study conducted by CEGESDI in 1997 concluded that technical secondary education was characterized by gender segregation regarding the choice of discipline. In agricultural technical colleges, located in rural regions, 70 per cent of women chose disciplines in the service sector, rather than the agricultural and livestock, or industrial sectors. They chose disciplines that offered less added value and that were associated with the gender roles traditionally assigned to women.

496. Since the beginning of the decade, the Ministry of Education, together with the CMF, has implemented a series of measures aimed at eliminating sexist contents and practices within the education system. However, this is a slow process, which requires changes in the ideas and practices, not just of the education staff, but of the students themselves. A detailed description of the measures and their outcomes is given in the section of this report referring to Articles 5 and 10 of the Convention.

497. The National Apprenticeship Institute (INA) has various centres located in rural areas, offering disciplines in areas that are of strategic importance to agricultural development. However, women prefer to take vocational-training programmes in areas such as hairdressing and dressmaking, and food-processing. The double working day and the persistence of gender stereotypes make it hard for women to achieve greater access to regular and continuous programmes of non-traditional vocational training. Regardless of their age, rural women tend to take short courses, because this enables them to combine their studies with their domestic responsibilities and their work.

498. As already discussed, in paragraphs 191 to 196 and elsewhere, the CMF, through the "PNCP/Women," developed the human-resources training programme for poor women heads of household, together with other State institutions and non-governmental organizations. This programme reached the same proportion of rural women as it did urban women, and achieved similar results in both groups. For rural women heads of household who took part in the human-resources training workshops, and the work training offered by the INA, the experience offered an opportunity to access resources that were essential to their efforts to improve their situation. The women were also able to strengthen their leadership, their organizational skills, and their ability to negotiate with State institutions, non-governmental organizations, and community organizations.

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment.

499. Since the early 1980s, self-help groups and cooperatives have represented a major opportunity for rural women to earn income. They have provided a way to survive the ravages of the economic crisis and to confront the limited sources of employment available to the female population in certain regions of the country. Guzmán (1991) concluded that community groups offered a vital means of survival for families in the northern region of the country during the dry season, since such groups are the only source of income for 70 per cent of families. At that time of the year, there are no sources of income for the male population.

500. Most self-help groups and cooperatives function at a precarious subsistence level. Despite this, the income earned can, to some degree, satisfy basic needs which, otherwise, might remain unmet, complemented by State subsidies and supplementary-food programmes provided by the school canteen programme and the CEN-CINAI. Furthermore, for a section of the rural female population – those who are of reproductive age, have children, and are unemployed – participation in these groups enables them to access significant productive resources to which they would not otherwise have access. Bolandi et al (1995) concluded, in a study on the role of non-governmental organizations in promoting the participation of women in rural development, that even when the services offered did not effectively answer their needs and concerns, for many of them, they offered access to credit, technical training, human-resources training with a gender perspective, and a chance to share their experiences with other women in the same situation.

(f) To participate in all community activities.

501. Rural women participate actively in a variety of community activities and organizations, such as school and health committees, committees for self-construction of housing, community-development associations, and others. They participate within the gender roles assigned by the culture and, despite its significance to the community, their contribution to local development is scarcely acknowledged.

502. Women account for 41.25 per cent of members of community-development associations, but only 24 per cent of those associations' boards of directors. Women face a number of obstacles to their participation in the decision-making bodies of such associations. Chief among those obstacles are the persistence of sexist cultural patterns, the need to care for their children, and the lack of family support. Most of these associations do not consider women's gender needs.

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.

Access to land, equal treatment in agrarian reform and land resettlement

503. The Institute for Agricultural Development (IDA) is the State institution responsible for policies on the distribution, assigning ownership, and organization of land and consolidation of rural settlement in Costa Rica. The mechanisms most commonly used by the IDA to influence the agrarian structure and help resolve sectoral conflicts have been: purchase of land for distribution among those who have requested it; intervention in the case of occupied land under threat of possession or under right of possession, to acquire such land and make the necessary arrangements; assigning ownership of land and leasing of State-owned lands.

504. For rural women, the IDA's provision of access to land ownership has been extremely limited. Available data indicate a manifest lack of equality with respect to the number of men and women who have benefited, as well as the number of hectares awarded, by gender. From 1962 to 1988, only 11.8 per cent of all direct beneficiaries were women, and those women were granted 16.4 per cent of all hectares granted (Chiriboga, Grynspan, and Pérez, 1995).

505. Over recent years, significant changes have occurred with regard to the quantity of land granted to women, especially after 1990. During the period 1986-1990, the percentage of women beneficiaries rose from 8.8 per cent to 38.7 per cent. A major factor in this change was approval of the Act Promoting the Social Equality of Women, in 1990.

506. In Costa Rica there are no explicit legal measures prohibiting or limiting women's access to land. Nor are there any legal provisions that discriminate on the grounds of gender. And yet, women's access to land remains, in practice, extremely limited. This is largely because the laws have been formulated on the basis of social and cultural ideas that continue to regard men as the rural producers and women as the mothers and the people responsible for taking care of the family. The interpretation and application of the laws have reflected these ideas.

507. As Table 36 shows, women living in the country's central and Caribbean regions have tended to benefit from more IDA land allocations. Those located in the Pacific regions have had less access to land. This is because the spread of agricultural tended to stop around the Pacific regions, and so there is now less land available there.

Table 36

Direct land grants made by the Institute for Agricultural Development, by region and gender (per cent, 1990-1992)

	1990		*1991*		*1992*	
Region	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*
Central	15.00	24.00	3.00	28.00	18.00	9.30
Pacific Central	0.00	0.00	9.00	00.00	20.00	12.40
Chorotega	0.00	0.00	32.00	4.00	9.00	9.80
Brunca	21.00	23.00	11.00	19.00	5.00	7.20
Huetar Atlantica	12.00	4.00	3.00	15.00	19.00	29.90
Huetar Norte	52.00	49.00	42.00	34.00	29.00	31.40
Total	100.00	100.00	100.00	100.00	100.00	100.00

Source: Institute for Agricultural Development. Archives.

Access to credit

508. Rural women have enjoyed limited access to credit awarded by the rural credit division of the Banco Nacional de Costa Rica (BNCR). Chiriboga, Grynspan, and Pérez (1995) found that in 1991, out of 8,000 loan transactions, only 20 were for women. Furthermore, 50 per cent of those loans were in fact taken out on behalf of men, who registered the transactions in the name of a woman (generally their wives).

509. Women's access to credit is very limited, because very few qualify for credit, as they have no assets and, such assets as they do have are registered in their partner's name. Furthermore, it has been noted that one factor having a strong influence on the access of rural women to credit is the combination of the various requirements and procedures, which tend to be time-consuming, complicated, and difficult for most rural women to comply with, since they do not own any fixed assets and do not have paid employment (see paragraphs 458 to 462).

Technical assistance and training

510. The Ministry of Agriculture and Livestock (MAG) is the State institution that has traditionally concerned itself with agronomic research and agricultural extension activities. Together with the IDA, it is responsible for around 80 per cent of the country's technical-assistance activities, mainly through farm visits and field demonstrations. In the case of non-governmental organizations, agricultural technical assistance has been limited, focusing mainly on aspects related to organization, accounting, and administration. Technical assistance to

women producers is extremely limited, despite the various initiatives implemented by those institutions over the past decade.

511. There are many reasons for this First, there are few women working in research and extension activities at the regional level (scarcely 12 per cent of technical and professional staff are women). Second, stereotypes and prejudices tend to be common among extension workers, who regard women as housewives and mothers, not as producers. This has limited the relevant training available to women. When extension staff visit farms, they exclude women. Husbands and sons also tend to restrict women's participation during demonstrations.

512. Due to this tendency to regard the man as owner, head of household, and producer, there is a significant amount of bias involved in the provision and design of training programmes. Moreover, many extension and training programmes for rural women fail to take into account either the gender factors influencing women's participation in such activities or their specific concerns.

513. As part of the PIOMH actions implemented by the CMF, a range of measures have been implemented, with a fair amount of success, to sensitize and train technical and professional staff of institutions in the agriculture and environment sectors. This training has been reflected in actions that are more sensitive to women's needs and to the obstacles they face in terms of participation: demonstrations and training for producer groups, changes in timetables, incorporation of women extension staff.

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Housing and services

514. There are no up-to-date statistics on the number of men and women who own houses, since the last Housing Census was conducted in 1983. The public property register does not include information broken down by gender. Furthermore, in some cases, housing is registered under company names. Housing obtained through State programmes of a social nature is registered in the name of both spouses.

515. Since the beginning of the decade, various programmes have been implemented with a view to facilitating access to credit for the purchase of land and the construction of homes, the extension and improvement of systems for public sewers, the elimination of human waste, and potable water (rural aqueducts). As a result of the investments made, it has been possible to improve the network of rural aqueducts and extend it to virtually every community. Providing access to potable water for outlying communities has been difficult because of their location and the high cost of providing services. Campaigns to build latrines have been stepped up in these regions, over recent years.

516. The housing sector has encouraged aggressive loan and housing voucher programmes. This is a subsidy given to low-income families that own land. Part of the cost of constructing the home is subsidized, and the remaining amount is funded through low-cost loans. One group of women that has benefited from housing vouchers are the women heads of household. Between 1990 and 1997, around 40,000 poor women heads of household benefited from the programme, and 40 per cent of those women lived in the country's rural regions.

Electrification, transport, and communications

517. Costa Rica has achieved major progress in terms of national development of electrification, communications, and public transport. The country's scattered rural communities have lagged behind somewhat in terms of electrification and telephone services. The rest of the country's rural communities have electric lighting and are connected to the rural telephone network.

518. The national road system has deteriorated significantly over the past eight years, especially in rural areas. This affects conditions of public transport and opportunities to transport products, However, improvements have recently been made to the main highways and to some major rural roads.

Article 15: Equality before the law

Article 15: *1. States Parties shall accord to women equality with men before the law.*

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and freedom to choose their residence and domicile.

1. States Parties shall accord to women equality with men before the law.

519. Under Vote No. 3435-92, the Constitutional Chamber established that, under current legislation, whenever the term "man" or "woman" shall be used in legislation, it shall be regarded as synonymous with the word "person," thus eliminating any possible gender-based legal discrimination (see paragraphs 82 and 83).

520. Under the criminal procedure, no discrimination may be made between men and women in the processing of their legal suits – whether they are plaintiff or accused – with respect to access to the law, the speed of proceedings, the opportunity to receive legal advice from the State, and other aspects.

521. In practice, however, men and women are treated differently. In some instances, a woman who commits an offence is judged more harshly, because of the impact her offence may have upon her family. In other cases, the sentence or imposition of penalties can be more lenient toward women because, when it comes to sentencing, the judicial authorities consider special conditions in the event of involvement in the offence for reasons other than volition. For example, if the women are heads of household, they consider their economic status, their relationship with their fellow accused, and the state of their pregnancy.

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3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

522. Before 1973, family law was part of the Civil Code. On 21 December 1973, the Family Code was approved, through Act No. 5476. Approval of the Code represented an important step toward the recognition of equality for women, because it eliminated many discriminatory regulations that governed relations between spouses.

523. Under the provisions of Article 36 of the Civil Code, legal capacity is inherent in individuals during their lives, in an absolute or general fashion. Full legal capacity is acquired after the age of 18, by both sexes. This also entails the attainment of citizenship, as set out in Article 90 of the Constitution and Article 37 of the Civil Code.

524. Under the law, legal capacity is amended or limited for men and women in accordance with their civil status, their capacity of volition or cognition, their capacity in law (according to Article 36 of the Civil Code, reformed by Act No. 7600 of 18 April 1996), and their age (Article 37 of the Civil Code).

525. There are no limitations on women's right to inherit, because the regulations governing this matter in Costa Rica envisage the right to inherit on the part of any individual (Article 520 et seq. of the Civil Code). Article 572 of the Civil Code, which describes who may inherit when a person dies without disposing of his or her assets or the will is declared null and void or expired, discusses the children, the parents, and the spouse or the cohabitant, in the case of a common-law marriage. On the basis of the interpretation of the Constitutional Chamber (Vote No. 3435-92) on the use of the terms "man" and "woman" as generic, women are deemed to be included.

526. Women can be executors or administrators of the inheritance, in accordance with the provisions of Article 541 et seq. of the Civil Code. Article 545 provides that persons who cannot be bound by the law or whose domicile is outside the Republic, or who have been convicted once or have been dismissed for fraud in the administration of other matters.

527. Nor are there limitations to women's capacity to enter into contractual relationships, provided that they comply with the requirements of the Civil Code (for example, they are of majority age and are legally entitled to do so).

528. There are situations in which full legal capacity is conferred upon women of minor age. Under Article 36 of the Family Code, it is considered that the marriage of a minor produces the effects of majority. In the event of the dissolution of the marriage, the former minor spouse retains her majority status. Article 155 of the Family Code establishes that a mother of minor age shall have full legal capacity for all legal effects of her daughter or son, when there is no marital tie, in which case this provision shall apply equally to father and mother.

529. Under Costa Rican law, all men and women may enter into marriage from the age of 15 onward, with the consent of the father or mother having parental authority. The marriage of any person under 15 shall be annulled. Note that Article 16 of the Family Code prohibits women from remarrying within 300 days of the dissolution or annulment of their previous marriage, unless they have given birth before this 300-day period is over or official examinations by two physicians establish that there is no pregnancy. Similarly, Article 379 of the Criminal Code provides a fine for any woman who marries before the completion of the 300-day period since the dissolution of her marriage.

530. Article 36 of the Constitution stipulates that in criminal matters, nobody is obliged to testify against themselves, their spouse, their older relatives, descendants, or collateral relatives to the third degree by blood or marriage. In the same way, Articles 227 and 228 of the Code of Criminal Procedures support the right to abstain from speaking against one's family members.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and freedom to choose their residence and domicile.

531. Article 28 of the Constitution sets out the right of any individual to travel outside the Republic, as well as the freedom to move around on national territory. There are exceptions to this regulation, when it is necessary to ensure the presence of an individual at legal procedures that depend upon his or her personal attendance (Constitutional Chamber, Vote No. 2048-94). The full exercise of this right by women is influenced, however, by cultural traditions that limit their freedom of movement and choice of domicile. It is expected that a single woman will live with her family until she marries, at which time she will submit to the authority of her husband or partner in this regard. Many women are limited in their ability to accept work, scholarships, and other opportunities outside their family's area of residence. Society expects that men will take these decisions independently, and that their wives will support them, even when, in doing so, they will affect their own right to study or work.

Article 16: Matrimonial and family law

Article 16: *1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and, in particular, shall ensure, on a basis of equality of men and women:*

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases, the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and, in particular, shall ensure, on a basis of equality of men and women:

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

(a) The same right to enter into marriage.

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent.

532. The age at which marriage may be entered into is the age of majority (18), except in the case of women over 15 and younger than 17, who require the consent of whoever exercises parental authority. All women are free to choose their marriage partner. The man and woman must appear before the authorized officer, freely, and of their own volition, and express their desire to marry.

(c) The same rights and responsibilities during marriage and at its dissolution.

533. Under Article 34 of the Family Code, the man and woman enjoy the same rights and responsibilities. Article 35 states that the person primarily responsible for supporting the family is the husband, and that the wife must help support the family, jointly and proportionately, provided that she have resources of her own. The basis of the regulation is cultural, as it is based on the idea that it is the man who provides greater economic support. Consequently, the regulation also assigns the role of family leader to the man. Many Costa Rican homes are headed by women, either because the husband has left the home, because the couple is divorced, because the husband has died, because the wife is celibate, or because decisions and responsibility for the economic support of the home are shared.

534. There is presently a Draft Law on Gender Equity in the Family Code (Procedure No. 12575), which envisages reform of Article 35 of the said Code. The draft law in question stipulates that both spouses shall be obliged to support the family, jointly and proportionately, provided that they have their own resources. In this regard, the CMF issued an opinion to the effect that although joint and proportionate responsibility for supporting the family depended upon the resources of both spouses, each spouse had an equal obligation to meet the needs of the household.

535. The aforementioned draft law incorporates two of the most important actions of the PIOMH, by promoting the joint family responsibility of men and women, and by promoting the family as a forum for generating family values and attitudes that are conducive to the creation of equal opportunities.

536. Marriage is dissolved through death of the spouses, declaration of presumed death, annulment, or divorce. Both spouses have the right to sue for divorce, on the same grounds.

537. Under Article 48 of the Family Code, the following are grounds for divorce:

(a) adultery committed by either spouse;

(b) an attempt by either spouse on the life of the other spouse or their children;

(c) an attempt by either spouse to force into prostitution or corrupt the other spouse or the children of both spouses or of either spouse;

(d) cruelty toward the other spouse or their children;

(e) judicial separation for a period of not less than a year;

(f) legally declared absence of the spouse;

(g) mutual consent of both parties; and

(h) de facto separation for a period of not less than three years.

538. Although both spouses may procure a divorce on the same grounds, women encounter certain difficulties with respect to evidence. For example, proving adultery by the man is more difficult. Moreover, women have the disadvantage that if they become pregnant, then evidence is much easier for the man. In the case of cruelty, there must be witnesses. Unfortunately, men do not generally commit assault in public, but within the family environment, where the children are usually the only witnesses.

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount.

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases, the interests of the children shall be paramount

539. Title V of the Constitution contains the articles referring to the family, marriage, and children conceived outside marriage.

540. Through Vote No. 1154-94, the Constitutional Chamber established equality among individual family members, stating that the family was composed of individuals who were free and equal in dignity and rights before the law.

541. The concept established in Article 51 of the Constitution perceives the family in a broad sense, and never a restrictive one. The recent concept includes both the family united by a formal bond (marriage) and the family in which informal emotional ties are established and which constitutes the common-law marriage (Constitutional Chamber, Vote No. 1975-4 and 346-94). This interpretation by the Constitutional Chamber represents an advance in its recognition of family relationships that are established in the social environment and not constituted by marriage.

542. Gender stereotypes do, however, persist in the text of the law. The same Article 51 states: "The family, as the natural element and basis of society, is entitled to the protection of the State. Mothers, children, the aged, and the destitute infirm are also entitled to such protection". This definition perceives mothers as a vulnerable group, and places them on the same level as minors and the elderly.

543. Common-law marriages are regulated under Articles 242-246 of the Family Code. They have been reformed under Act No. 7532 of 8 August 1995. The reform addresses common-law marriages between a man and a woman that are public, manifest, and unique and have been stable for a period of more than three years. It provides for all the patrimonial effects of the marriage and maintenance for whoever may need it. It has the same effects, except the right of maintenance and four years of cohabitation for those living in a common-law marriage, although some who cohabit are prevented from entering into marriage.

544. Family relations are regulated under family law, as set out in the Family Code, Act No. 5476 of 21 December 1973 and its reforms. Maintenance payments are regulated under the Maintenance Act, amended through Act No. 7654, which took effect on 23 January 1997. This Act provides that extraordinary payments must be fixed by the responsible authorities, guarantees State assistance, and provides sanctions for employers who do not withhold the due payments from wages.

545. Note that in both public and private universities, family law is among the mandatory elements of the law curriculum.

546. In the event of divorce, custody of the children is generally granted to the mother, on the grounds that it is she who is "naturally" better qualified to raise them.

547. Parental authority is exercised by the father and the mother, on the basis of equal rights and duties. In the event of a dispute, and at the request of either spouse, the Court shall rule in the matter, taking the interests of the minors into account (Article 138 of the Family Code). This article was reformed under Act No. 7142, Promoting the Social Equality of Women (1990). Previously, the ruling was based on the opinion of the father.

548. In the event of a contentious divorce, contentious judicial separation, or annulment of the marriage, the judge, taking the interests of the minors into account, shall rule in all matters regarding parental authority over the minors, as well as regarding the care, raising, and education of the minors, and the administration of their assets (Article 139). Parental authority shall be suspended or amended for inebriation; excessive severity toward the children; corruption by the father or mother of the children; failure to pay maintenance to the children; leading the children into mendicancy, or allowing them to walk the streets; an offence committed by one spouse against the other, or against their children; imposition of a prison sentence for any punishable act; legally declared incapacity or absence or for misconduct on the part of the father or mother (Article 146).

549. According to Article 138 of the Family Code, reformed through Act No. 7142, "The father and mother shall exercise parental authority over children conceived within marriage, with equal rights and duties". Under Articles 138, 141, 142 and 144 of the Code, in the event of divorce or judicial separation, parental authority shall be shared, with the mother retaining responsibility for the care, raising, and education of the minor children. Whenever the father and mother are not married, but the father has voluntarily recognized the child, both shall exercise the same rights and duties of parental authority. In practice, this regulation is not fully complied with, however, as many fathers do not assume their financial obligations in a responsible manner, and fail to share in the education, care, and raising of the child. In many cases, moreover, the right is used to blackmail the mother, to limit her freedom of movement, and to block her access to opportunities to study and work.

550. The State imposes the duty to pay maintenance by judgement. Maintenance is due one month in advance. Maintenance must be paid directly into the City or Court account, or the employer may be requested to withhold the payment and make the payment to the City or Court. Failure to pay maintenance incurs two types of sanction, but these may be imposed only at the request of the plaintiff. The types of sanction are judicial order and payment through civil procedure. Payment of maintenance to the children is regulated under Articles 24, 27, 28 and 30 of Maintenance Act No. 7654 of 23 January 1997.

551. The Maintenance Act, amended under Act No. 7654, has been in effect since 23 January 1997. According to Article 164 of the Family Code, reformed under the same law, maintenance shall cover sustenance, accommodation, clothing, medical care, education, entertainment, transportation, and other costs, depending on the financial situation and the capital belonging to, or possessed by the individual required to pay. Account is also taken of the needs of the beneficiary and the lifestyle to which he or she is accustomed, for normal physical and mental development, as well as his or her assets.

552. Under Article 169 of the Family Code, both spouses can claim maintenance, on a reciprocal basis. Either spouse may request maintenance during the marriage and in the event of divorce, as part of the respective suit, if it is contentious, or by agreement of the parties, if the divorce is by mutual accord.

553. Failure to pay maintenance incurs two types of sanction, but these may be imposed only at the request of the plaintiff. The types of sanction are judicial order and payment through civil procedure. The Family Code provides for payment of past quotas, regulated under Article 172, for cases in which the spouse has had to go into debt to live.

554. Payment of maintenance ceases when the beneficiary spouse remarries, when said spouse starts to earn enough to survive or enters into cohabitation or a common-law marriage.

555. Under the Family Code, family members, men and women, enjoy equal legal treatment. According to Article 34, the man and the woman have the same rights and responsibilities. Progress has been made in terms of changing sociocultural patterns in Costa Rica, but this is a slow process. For example, domestic work continues to be regarded as the responsibility of the woman, and when there are children, the responsibility for their education and health generally falls on the shoulders of the mother.

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

556. There is no legal requirement for a woman to take her husband's last name when she marries. For legal purposes, women always retain their name and the last name of their mother and father.

557. Under Article 49 of the Civil Code, children that are born within the marriage or that have been legally acknowledged by the parents take the last name of the father and, as a second last name, that of the mother.

558. The Constitution guarantees the right to study and exercise a profession, trade, or job for men and women, without restriction on the grounds of gender or any other characteristic. The Family Code establishes equality of rights and duties for both spouses. However, as already mentioned, prevailing stereotypes and sociocultural patterns limit women's opportunities for development.

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

559. With respect to the family, Article 40 of the Family Code establishes the system of separate ownership, which has been used in Costa Rica since 1981, when the Civil Code was approved. In most cases, however, fixed and movable assets acquired during the marriage are registered in the man's name. In the event of the dissolution of the marriage, a declaration of judicial separation, or divorce, Article 41 stipulates that both spouses acquire the right to half the net value of the property acquired during the marriage. This right may be renounced in the marriage contract or by agreement, in writing, in the public domain.

560. At present, in the proposal for reform of Article 41, envisaged under the Draft Law on Gender Equity in the Family Code (Procedure No. 12575), it will be prohibited for one of the parties to renounce the assets. The said prohibition is directly related to the situation that arises within the marital relationship (registration of property in the man's name). By renouncing her right to such property, the woman has no property rights in the event that the marriage should break up.

561. Under Article 40 of the Family Code, both spouses may freely dispose of the assets acquired before the marriage and those acquired during the marriage, as well as the fruits of both. In the event that the marriage is dissolved, a joint-ownership system is created, comprising the assets of both spouses. The assets are liquidated by dividing them in half, regardless of who owns more assets. The woman is entitled to request early liquidation of the assets due to poor management by her husband or acts that threaten her rights.

562. In the marriage contract, the contracting parties can agree either total or partial separation of the assets. This is a little-known provision, and is thus little used.

III. General conclusions

563. Over the past 40 years, the lives of Costa Rican women have changed significantly. The demographic profile has changed substantially, as have education, health, and work conditions – three areas in which economic indicators have shown notable progress. Women account for 49 per cent of the Costa Rican population, 30.1 per cent of the Economically Active Population (EAP), and approximately 60 per cent of workers in the informal sector. Their contribution to economic development has been, and remains, significant, although a major part of the work women perform is still invisible, and unacknowledged as a factor in the nation's wealth.

564. Although women have had the right to vote since 1949, a number of sociocultural factors have prevented them from exercising that right fully. Despite the advances achieved, women's access to decision-making bodies within State Authorities, in the private sector, within social organizations, and in political parties continues to be limited. This indicates the need to consolidate programmes aimed at empowering women politically, to strengthen affirmative-action measures designed to ensure that women's legal right to participate in decision-making is translated into action; and to build upon measures introduced by various state and non-governmental agencies with a view to eradicating concepts and practices that discriminate on the grounds of gender.

565. Since 1975, the Costa Rican State and various sectors of organized civil society have promoted a number of initiatives designed to ensure that the principle of equality and the commitment to women's nationally and internationally recognized human rights are duly honoured. They have done so by introducing reforms, creating legislation, and formulating the relevant public policy. This process began slowly, and began to pick up momentum following ratification of the Convention on the Elimination of All Forms of Discrimination against Women, in 1984. It was not until the early 1990s, however, that it really began to gain strength – particularly during the period leading up to, and following the Beijing Conference.

566. Analysis of gender-based discrimination in national legislation indicates that significant progress has been made in this regard since the Convention was ratified. The World conference on human rights (Vienna, 1993) helped strengthen the movement for the human rights of women at the national and international level. Major commitments have been made in terms of recognizing violence against women as a human rights violation, and in terms of recognizing States' obligation to develop non-discriminatory legislation and gender-sensitive public policies. It may be said that in Costa Rica, most discriminatory legal regulations have now been eliminated or are in the process of reform, with a view to bringing them into line with the principle of equality. The problem has more to do with the interpretation and sexist application of the regulations, which derive from cultural conceptions and practices based on patriarchal stereotypes. Greater efforts need to be made to ensure that national legislation reflects the principle of equality between men and women, and to strengthen education at all levels of the judicial system, with a view to ensuring protection of women's rights.

567. Measures taken by the State to improve the gender situation of Costa Rican women, including the promotion and strengthening of mechanisms and instruments for the protection of women's rights, date back to 1974, with the creation of the Office of Programmes for Women and the Family, at the Ministry of Culture, Youth, and Sports. This agency continued to develop over time and was further strengthened when, in 1986, the National Centre for the Development of Women and the Family (CMF) was created, by Act of the Republic. Although the Centre was attached to the Ministry of Culture, Youth, and Sports, the fact that it was created by Act of the Republic, and was endowed with legal capacity and its own resources, ensured its stability and ensured that it would be guaranteed a minimum amount of funding, regardless of changes in government.

568. The CMF was created as the government agency responsible for initiating, directing, and coordinating public gender policies. From 1994 onward, it began to introduce robust measures, through the various aforementioned national plans and strategic programmes, for the implementation of strategic policies aimed at achieving equality and equity between men and women. These policy instruments were formulated in the light of, and as a follow-up to the commitments made at the Fourth World Conference on Women and in the Platform for Action.

569. Practical experience has shown that: a) policies on gender equity and equality require that commitments be made at the highest decision-making levels, by all public-sector entities; b) that there are a certain number of limitations to the exercise of steering functions in this area, due to the contradiction between the CMF's broad range of responsibilities and its place within the State apparatus. As a result, and at the initiative of the executive branch, a Draft Law is currently being considered, aimed at changing the CMF's status. The Draft Law would elevate the CMF to the status of autonomous institution, as a way to ensure that efforts to promote gender equality and equity are backed by institutional strength. This political and administrative stature will enable the Centre to take part in decision-making at the highest level of government, enjoy greater autonomy as a mechanism for the promotion and monitoring of public policies related to women, and open up the possibility that its Director will be designated a Minister without portfolio, which is not possible under the Centre's current status. At this time, strengthening the national mechanism in this manner represents a major challenge for the Costa Rican State.

570. During the period covered by the present report, efforts were made to strengthen agencies for the protection and defence of women's rights. Those efforts included the creation of the Office of Women's Affairs. Attached to the Ministry of Justice, this Office was responsible for dealing with complaints of domestic violence. As a further measure, the Independent Commissioner for Women was absorbed by the Office of the Public Commissioner, an area of vital importance in terms of achieving progress in women's human rights and with respect to efforts by the public sector to ensure their protection.

571. In Costa Rica, the temporary special measures aimed at accelerating de facto equality between men and women began with approval of the Act Promoting the Social Equality of Women, in 1990. This law introduced the first legal regulations and measures directly related to the Convention. Those regulations and measures were aimed mainly at accelerating equality for women within internal processes and within the administrative ranks of political parties, as well as in electoral lists, as well as at protecting the rights of women involved in common-law marriages, with respect to the registration of property awarded through state programmes. The adoption of participation quotas in party decision-making bodies and electoral lists represents a major advance for women, although much remains to be done in terms of ensuring that women are appointed to eligible positions. In this regard, it is hoped that planned reform of the above Act will be approved.

572. The Costa Rican State has been working consistently since the early 1980s to eliminate all teaching content, methods, and tools within the formal-education system that assign roles that are alien to the concepts of social equality and gender complementarity or that perpetuate the notion of women's inferiority. The most significant advances were made during the 1990s, with the development of textbooks, teaching guides, research, and training programmes for staff responsible for preparing books and programmes, and training teaching staff. Efforts are also being made to increase the involvement of women in non-traditional technological and professional careers and to change the traditional habit of assigning certain specific roles to men and women within the workplace. Despite the major progress achieved in this regard, staff training needs to be improved, in order to break down resistance based on gender stereotypes.

573. Costa Rican society continues to retain certain patriarchal values, ideas, and customs. A number of studies have indicated that certain changes have occurred, However, as with anything that involves changing sociocultural patterns, the process is inevitably a gradual one. Consequently, efforts must be made to strengthen actions implemented through the Ministry of Education, to help ensure that family education includes sufficient understanding of maternity as a social function and the recognition of men and women's shared responsibilities. Furthermore, the communications media should make a more serious and consistent attempt to avoid propagating ideas that perpetuate sexism and gender inequality.

574. Costa Rica has traditionally devoted a significant portion of its budget to health and education. Over recent years, however, both sectors have suffered budget cuts that have had repercussions in terms of the quality and accessibility of services. This has affected women, primarily, since it is they who typically take over the care of other family members. Poor women have been most affected by this process.

575. The country's health indicators are positive, however, due to the impact of the broad coverage of the National Health Service. Total, maternal, and infant mortality rates have all fallen. The leading causes of death among men and women are quite similar, with the exception of accidents, which are more common among men. Maternal mortality has fallen dramatically, and Costa Rica now has one of the lowest rates in the region under this heading. Fertility has fallen, but is on a rising trend among women who have a lower education level, are poor, or live in urban districts, despite the accessibility of contraceptives. These factors are linked to reluctance among male partners to use safe-sex methods. With respect to deaths from cancer, women are more likely to die from cancers of the reproductive system, which account for 25.4 per cent of all deaths, most of which are preventable.

576. It has been found that women tend to neglect their own health in order to cater to the needs of others, and lack adequate access to prevention and early-detection services. They are, however, attending health facilities more often regarding medical problems related to their reproductive processes. The health sector has introduced comprehensive reforms, with a view to shifting the focus of attention toward women, and moving from a "biology-driven" approach (emphasizing reproduction, maternity, and infants) to a comprehensive, gender-sensitive approach.

577. Under plans implemented under PIOMH and PLANOVI, a number of measures have been introduced with a view to improving women's health and encouraging them to help manage services, promoting adequate sexual and reproductive health, ensuring appropriate access to comprehensive, efficient, and confidential services at the national level, while facilitating that women may enjoy psychological health, recreation, and a life free of violence.

578. The past five years have brought a growing awareness around the country about the seriousness of the problem of violence against women, especially domestic violence, and have increased the State's commitment to prevention and care in a number of areas. Ratification of the Intra-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (1995) lead to the approval and dissemination of laws and legal reforms, such as the Act on Sexual Harassment in the Workplace and in Education and the Domestic Violence Act ; reforms to the Criminal Code regarding violence in marriage and sex crimes; and the formulation of public policy through PLANOVI. This offers a notable example of the commitment and efforts made by the State and civil society to address the issue of violence against women and to prevent such violence.

579. Costa Rican women have participated and continue to participate actively in the country's economic development. And yet, when we look at how this is reflected in the main economic indicators, especially those related to the workforce, women's contributions are largely hidden. This situation has had a negative impact on access to productive resources, wage increases, and working conditions, as well as on the recognition of women's rights as workers and producers. It has also tended to limit women's access to housing, land, and property. Nevertheless, it must be stressed that over the last five years, significant progress has been made in terms of increasing access to housing, mainly for women heads of household and for other sectors of society affected by poverty. This is mainly due to the introduction of the housing-voucher scheme and the promotion of self-building projects. Major progress has also been made regarding access to land granted by the Institute for Agricultural Development.

580. Over the past 20 years, women have achieved significant, sustained improvements in their rate of participation in the workforce and in the average increase in the female economically active population (FEAP). These trends have, however, been accompanied by an increase in open unemployment and underemployment rates among women. Moreover, the wage gap in both the public and private sectors has also increased, but especially in the private sector. These trends are indicative of gender inequalities which have not yet been eradicated, despite major legislative reforms and despite the impetus provided by public policies promoting equal opportunities at work and in employment. A major obstacle to change is the continued tendency to regard a woman's paid work as complementary to that of the man and as a temporary activity in a woman's life.

581. This tendency includes a persistent failure to take into account the impact of women's work on agricultural activity, despite women's significant contribution as unpaid workers within the family and as seasonal and temporary labourers. A significant step in the formulation and implementation of strategic public policies on gender equity in the farming sector was the Addendum to the PIOMH on Farming and Natural Resources. There is a need, however, to strengthen initiatives aimed at developing gender-sensitive indicators reflecting the contribution of the female workforce to the farming and informal sectors, the true size of the female unemployment and underemployment situations, as well as the conditions of inequality under which women perform paid and unpaid work. There is thus a need to improve systems for the formulation and validation of accurate indicators to quantify the unpaid work being done by women and calculate their contribution to national wealth.

582. There is no doubt that the social gap began to widen in Costa Rica from the 1980s onward. This process of impoverishment had a greater impact on women, so that we may justly talk in terms of a rapid feminization of poverty. Since ratification of the Convention, there has been a gradual increase in the number of women heads of household. This is the consequence of changes in the demographic structure of the country and the impact on families of the economic crisis, which has forced women and minors to join the market for paid labour. Moreover, they have had to do so rapidly, and under conditions of considerable vulnerability.

583. Since the 1980s, the Costa Rican State has focused its efforts on women living in poverty. Over recent years, focal policies have been implemented as part of the "Women" component of the National Poverty Plan. Those measures are aimed at women heads of household, pregnant teenagers, and teenage mothers. This initiative has involved a considerable amount of coordination and comprehensive attention to the problem. It is a very slow process, which has met sociocultural and institutional resistance, as well as significant structural obstacles. For example, the structure of employment continues to be strongly demarcated according to gender, limiting women's access to higher-paid jobs and work-training in non-traditional activities. Early pregnancy and the double working day are factors affecting women's opportunities in this sector, restricting their access to education, work training, employment, and recreation. The number of day-care centres continues to be inadequate to meet the growing demands for such services and the particular conditions required by low socio-economic sectors of society. Moreover, the number of day-care centres serving the private sector is increasing, thereby restricting opportunities to find convenient, low-cost, and high-quality services.

584. The Constitution guarantees equality for men and women under the law. Despite the provisions of the law, however, in the processes of judicial administration, a number of prejudices do persist with regard to certain crimes, when they are committed by or against women (sex crimes, for example). Under civil law, women are granted the same legal capacity to sign contracts, administer goods, and inherit. Although legislation makes no explicit mention of the principle of equality between men and women, the Constitutional Chamber has issued the following interpretation: "...it is stipulated that when the terms "man" and "woman" are used in legislation, they shall be understood as being synonymous with the word "person," thus eliminating any possibility for "legal" discrimination on the basis of gender...".

585. With respect to rights within marriage and within the family, Costa Rican women have succeeded in obtaining major legal reforms, which place them on a level footing with men, in most areas. There are a number of reforms pending under the Draft Law on Gender Equity in the Family Code, which seeks to achieve equality between men and women within the family, in all areas. The common-law marriage has been legally recognized. This has benefited a large group of women, although there do tend to persist certain ideas and social practices that refuse to acknowledge the existence of other family arrangements. Moreover, there continue to be a number of regulations that reinforce gender stereotypes – for example, Article 51 of the Family Code, which regards mothers as a vulnerable group requiring special protection.

586. The Family Code stipulates that mother and father are entitled to custody of the children in equal measure, as does parental authority in the case of children born within marriage or when they have been recognized by the father. The mother is granted parental authority only when the father has not recognized them voluntarily. With regard to maintenance, both spouses are entitled to claim maintenance payments.

587. Under the Family Code, male and female members of the family enjoy equal treatment under the law, as well as the same rights and responsibilities. Despite this, however, social conventions continue to influence the daily lives of Costa Ricans, forcing women to depend on their husbands, to submit to infidelity and violence, to continue and to perform domestic chores and bring up the children. Although there have been increasing signs of change among recent generations of Costa Ricans, the process is extremely slow.

588. Despite the considerable progress made toward implementing the Convention on the Elimination of All Forms of Discrimination against Women, as well as other international treaties for the protection of women's human rights, cultural and social barriers do persist. Those barriers must be eliminated if Costa Rica is to achieve gender equality and equity within a context marked by full social justice and by participatory democracy that respects the differences between men and women.

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